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Provisional

<i>President:</i>	Mr. Owada	(Japan)
<i>Members:</i>	Bahrain	Mr. Buallay
	Brazil	Mr. Valle
	China	Mr. Shen Guofang
	Costa Rica	Mr. Sáenz Brolley
	France	Mr. Dejammet
	Gabon	Mr. Dangué Réwaka
	Gambia	Mr. Touray
	Kenya	Mr. Mahugu
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	Sweden	Mr. Dahlgren
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Ms. Soderberg

Agenda

The situation in Angola

Report of the Secretary-General on the United Nations Observer Mission in Angola (S/1998/333)

98-85297 (E)



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The meeting was called to order at 12.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Angola

Report of the Secretary-General on the United Nations Observer Mission in Angola (S/1998/333)

The President: I should like to inform the Council that I have received a letter from the representative of Angola, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Carneiro (Angola) took a seat at the Council table.

The President: On behalf of the Council, I welcome the Vice-Minister of Territorial Administration of Angola, General Higino Carneiro.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Observer Mission in Angola (MONUA), document S/1998/333. Members of the Council also have before them document S/1998/349, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

The first speaker on my list is the Vice-Minister of Territorial Administration of Angola, General Higino Carneiro, to whom I give the floor.

Mr. Carneiro (Angola) (*spoke in Portuguese; English text furnished by the delegation*): On behalf of the Government of Angola, I congratulate the Security Council on the quality of the draft resolution it is considering at this meeting. We cannot fail to express our satisfaction. The draft resolution largely reflects the interests of both the

Government of Angola and the international community, which we are convinced seeks to adopt measures that will lead to a definitive resolution of the situation in Angola in order to put an end once and for all to the conflict there.

My Government wishes to emphasize that, in recent weeks, good progress has been made in the implementation of the Lusaka Protocol. In spite of this, we also want to stress that there is more to be done, particularly concerning the extension of State administration into all areas of Angola, the cessation of violent acts by UNITA against the personnel of the United Nations Observer Mission in Angola (MONUA) and Angolan civilians, and the more active participation of UNITA in promoting peace and national reconciliation in Angola.

The Government of Angola is pleased to note that the draft resolution before the Council calls on all members of the international community, particularly Angola's neighbours, to implement fully the measures specified in paragraph 4 of resolution 1127 (1997). I mention this because it remains critical to keep the pressure on UNITA to meet fully and quickly its obligations under the Lusaka Protocol.

My delegation wants to stress the importance that my Government attaches to the successful implementation of the Lusaka Protocol in the very near future. To that end, the Government of the Republic of Angola reassures the international community of its full support for maintaining peace, promoting national reconciliation and rebuilding the country. Furthermore, I want to stress that my Government expects to be consulted by the Secretary-General's Special Representative, Maitre Alioune Blondin Beye, in order to ensure the full implementation of paragraphs 8 to 12 of the draft resolution, which concern specifically the structure and tasks to be assigned to MONUA after 30 June 1998.

We want to take this opportunity to reiterate our commitment to the peace process and, more importantly, to move into the post-Lusaka Protocol era. At the same time, Angola hopes that the United Nations and the international community will continue to support peace and reconciliation and to help us rebuild those institutions that are vital to ensuring a stable and prosperous future for the country.

We would like to thank everyone for their support during the discussions on this draft resolution. We also

want to thank the Secretary-General, Special Representative Maitre Beye, the troika of observers to the peace process and the MONUA personnel for their continuing and valuable assistance.

Sir John Weston (United Kingdom): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania and Slovakia — and the associated country Cyprus, as well as the European Free Trade Association (EFTA) country members of the European Economic Area — Iceland and Norway — align themselves with this statement.

The European Union is encouraged by the recent progress which has been achieved in the implementation of peace process commitments in Angola since this Council last considered the situation there. We welcome the announcement of a special status for Mr. Savimbi, the appointment of UNITA governors and vice-governors and the nomination of ambassadors. We welcome also the termination of broadcasts by Radio Vorgan and commend those UNITA officials who have returned to Luanda. We hope, too, for Mr. Savimbi's own early return to Luanda so that he can exercise fully his duties as leader of the largest opposition party.

We are concerned, however, at the continuing slow progress in extending State administration. The onus remains on UNITA to cooperate fully and to avoid further delays. In particular, UNITA must remove the obstacles to the extension of State administration in Bailundo and Andulo, as well as to other key localities.

We are concerned also at reports that UNITA has not declared and demobilized all of its forces. National reconciliation cannot be possible unless UNITA forsakes the military option. Only then will UNITA achieve complete transition to a political party, participating, as it should, fully and constructively in a transparent democratic process and in the future development of Angola.

The Secretary-General's report points to a growing gap between progress on Lusaka Protocol commitments and setbacks in the security situation. In this context, UNITA's persistent attempts to frustrate the work of the United Nations Observer Mission in Angola (MONUA) through intimidation and harassment must cease. At the same time, the Government must continue to exercise patience and to resist the temptation to respond to provocation with heavy-handed reprisals or military adventures. Clearly, peace in

Angola depends not only on the willingness of both parties to meet their commitments, but also on the absence of armed conflict there. We condemn the armed attacks against MONUA and humanitarian or other international personnel, against the Angolan authorities and, not least, against civilians. We look to UNITA to cooperate with MONUA in identifying those responsible.

The European Union is actively engaged in helping the Angolan authorities remove the scourge of mines from their country. We therefore deplore the recent reports of renewed mine-laying and call for this activity immediately to stop.

The European Union would like to encourage the long-delayed meeting between President Dos Santos and Mr. Savimbi to take place in Angola as soon as possible. There is probably no more visible a sign of national reconciliation than a firm and unequivocal commitment at the highest political level.

The European Union supports the Secretary-General's recommendation to extend MONUA's mandate for a further two months and his proposals to draw down the military component. We agree also with the intention of the Security Council to review the mandate, size and organizational structure of MONUA, or a follow-on United Nations presence, by 30 June 1998. We endorse the Secretary-General's recommendation to strengthen the civilian police component of the mission. Their work is increasingly important to promoting respect for human rights and to building a climate of trust in Angola.

For the future, the people and the Government of Angola must continue to bear the primary responsibility for their own well-being. We agree with the Secretary-General that the international community, including the United Nations system, has a key role to play in helping them do so after MONUA's peacekeepers have left. As the leading contributor to Angola's rehabilitation, the European Union will continue to play a full part in assisting Angolans to consolidate national reconciliation and to revitalize their society and economy.

I hope it is clear from these remarks that the European Union's commitment to helping the people of Angola is undimmed. While there are grounds for cautious optimism, the peace process is not yet complete. Given the recent setbacks in the security situation we should remain very much alive to the real risks of a reversal during these final critical months.

The President: It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Valle (Brazil): We have been witnessing various positive steps in the peace process in Angola in recent months. The Government of Unity and National Reconciliation legalized UNITA as a political party, nominated provincial governors from UNITA and began the process of appointing Ambassadors from UNITA. The special status of Mr. Savimbi as the leader of the largest opposition party was promulgated by President José Eduardo Dos Santos. The demilitarization of the civilian population was intensified by the Government. Radio Vorgan ceased its transmissions.

The mission to Angola and the region of the Chairman of the Sanctions Committee established pursuant to Security Council resolution 864 (1993), Ambassador Mahugu of Kenya — which was supported by resolution 1157 (1998) — had positive effects. My delegation wishes to express particular appreciation and praise to Ambassador Mahugu for his successful mission. The efforts of the Special Representative, Maitre Blondin Beye, and of the troika of observer States are again to be commended.

In spite of the accomplishments, important issues are yet to be resolved. The extension of State administration has not yet reached about 65 localities, including Andulo and Bailundo. Mr. Savimbi, as well as other UNITA leaders, has not moved to Luanda. Some sources continue to indicate that UNITA still has a consistent military capacity.

In the terms of the draft resolution before us, which we support, the mandate of the United Nations Observer Mission in Angola (MONUA) is renewed for two months, until 30 June. In view of the prevailing situation, this is the most sensible decision that could be taken. After 10 years of United Nations presence in Angola, we are approaching the time when MONUA will definitely leave the country. The prospect of finalizing the tasks envisaged in the Lusaka Protocol gives us the sense that soon the international community can redirect its form of involvement in Angola. It is interesting to note that this sense is captured in the report of the Secretary-General on Africa. In the section on

peacekeeping, under lessons learned, Angola is mentioned as a success story.

At the end of June, the Security Council will revisit the question of the future of MONUA, or the future presence of the United Nations in Angola. Let us hope that peace can be consolidated and that Angolans can finally move on to the long-awaited situation of stability and prosperity.

Mr. Monteiro (Portugal): Allow me to welcome the presence among us of the Vice-Minister of Territorial Administration of Angola, General Higino Carneiro, and his delegation.

I would also like to associate myself with the statement just made by the representative of the United Kingdom on behalf of the European Union.

Peace in Angola has been an elusive goal which the Security Council and the Angolans themselves have been trying to reach for years. Today, we might have reasons to feel that our ship will reach a safe harbour. As the Secretary-General acknowledges in his latest report on the United Nations Observer Mission in Angola (MONUA), 11 out of the 12 pending tasks defined by the Lusaka Protocol have been completed. For the record, I would just add that the Joint Commission recognizes that those tasks have been formally completed.

This seems to be particularly true when one considers the military aspects of the peace process. My delegation takes seriously the persistent allegations of the existence of a large number of unregistered and undemobilized UNITA elements. In this context, we concur with the Secretary-General's assessment that

"It is obvious that the conclusion of the peace process will depend on the full demobilization of UNITA, especially the absentees and the residual troops, which are still a cause of serious concern."
[S/1998/333, para. 49]

Of course, it would be unfair not to recognize progress already achieved in the current peace process based upon the "Acordos de Paz" of Bicesse and the Lusaka Protocol. Portugal warmly welcomes the most recent steps by the Government of Unity and National Reconciliation and UNITA towards completing the remaining tasks of the Protocol. In particular, I would underline the importance of UNITA's statements on the total demilitarization of its forces, which MONUA has

been verifying; the return to Luanda of a meaningful part of UNITA's leadership; the cessation of Radio Vorgan broadcasts, a step we would like to see as irreversible; the promulgation by the Government of the law granting special status to the leader of UNITA; and the appointment by the Government of the provincial governors, vice-governors and ambassadors nominated by UNITA.

These actions prove the Angolan Government's commitment to live up to its name. They also enable UNITA to show its will to transform itself into a political party.

What is still missing in this ongoing picture? Trust is still a rare political commodity in Angola. It will take years to overcome mutual fears and suspicion. In Angola, war has been the rule — the normal state of affairs — over recent decades. But peace prevailed between the signature of the "Acordos de Paz" and the 1992 elections, and peace has again prevailed since 1994, a fact we should all emphasize. Why? Because it means that peace is indeed something tangible and achievable.

The completion of the extension of central administration to UNITA-held areas, in particular to the localities of Andulo and Bailundo, is a prerequisite for a lasting peace in Angola. True, central authority has been established in 269 out of 335 locations envisaged. But it is equally relevant to note that this process should have already been completed, as well as to recognize that the Angolan Government has shown remarkable restraint and flexibility in this chapter of the peace process. Excuses for further delays are not credible.

Inside Angola the *de facto* existence of two competing centres of power, with different territories and armies, is, and in our view always has been, simply unacceptable. The 1992 elections are valid, and UNITA's leadership should focus its activities on discussing with the Government, in Luanda, the steps both should take to consolidate peace, build a democracy and rehabilitate the economy of the country. The organization of the next elections, within a reasonable, realistic and internationally acceptable framework, could be part of those discussions. This is, of course, a task for the Government of Unity and National Reconciliation, which already includes UNITA.

But none of this will be possible until the completion of the extension of central administration. Only after this has happened will we be able truly to believe that the peace process in Angola is becoming irreversible. By then we will be in a position to revisit positively the issue of

sanctions against UNITA. We sincerely hope this message is fully understood.

Portugal is deeply concerned about and strongly condemns the recent attacks against the personnel of United Nations Observer Mission in Angola (MONUA), the Angolan authorities and the civilian population. The cold-blooded massacre of more than 20 civilians in Ganda was an abomination. The incidents in Chongoroi and N'gove require a full investigation by MONUA and the prosecution of those responsible. The draft resolution before us fully reflects our views on these issues.

Before concluding, allow me to pay tribute to the Special Representative of the Secretary-General, Maitre Beye, to Major-General Sibanda of Zimbabwe and to all the men and women serving in MONUA under the direction of Maitre Beye. I would also like to recognize the importance of the recent visit that the Chairman of the Sanctions Committee, my dear friend Ambassador Mahugu, paid to Angola and other interested countries. We have already felt the positive impact of his visit.

As the largest troop and civilian police contributor to MONUA, Portugal demonstrates in a very clear way that it believes in a successful conclusion of the peace process. The same could be said of our significant bilateral cooperation with that country. United Nations intervention in Angola has been a major investment in peace by the international community. We very much hope to see a continuation of that international support. We want to be sure that the Government of Unity and National Reconciliation will be able to show us how best to assist Angolans in the near future.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): I should like first to join other speakers in welcoming Mr. Carneiro, who is heading the high-ranking delegation of Angola.

We are pleased to note that very encouraging progress has recently been made in the internal Angolan settlement. To a large extent this has been helped by the efforts of the Special Representative of the Secretary-General, Mr. Beye, and all those who have worked in this area in Angola and in the Secretariat. The visit to the region by Ambassador Mahugu, the Chairman of the Sanctions Committee, was also very important.

To date the Government of Angola has essentially fulfilled its commitments under the Lusaka Protocol and has now proceeded to the further disarmament of the

civilian population. For its part, the leadership of UNITA has declared the demilitarization of that organization, which will henceforth be granted the status of a legal political party. The question of the special status of the leader of UNITA, Mr. Savimbi, has also been resolved and the activities of UNITA's Radio Vorgan have ceased. Preparations are also under way to set up UNITA headquarters in Luanda, and agreement has been reached on the appointment of governors, vice-governors and ambassadors from among its members.

At the same time serious problems remain in the peace process, which have prevented it from reaching a successful conclusion. We are alarmed at the considerable discrepancy between progress made in the political aspects of the settlement and the situation with regard to providing safety and security. In a number of regions in the country armed units from the so-called residual forces of UNITA continue to be active. A growing number of armed attacks are taking place on local government authorities, the police, the civilian population, United Nations personnel and international humanitarian organizations and their personnel. Such acts are in direct violation of the Lusaka Protocol and should cease completely and immediately.

The continuing attempts by UNITA in various ways to drag out the implementation of the long-standing agreements on extending the authority of the Government of Angola to the entire territory of the country, including Andulo and Bailundo, are absolutely unacceptable. We believe it essential to issue a clear warning to UNITA that the question of whether the sanctions imposed against it by the Security Council will be lifted or stepped up will depend upon a fundamental criterion: the timely and complete implementation by UNITA of its commitments. Success in the Angola settlement will depend to a large extent on the commitment of the parties to the Lusaka Protocol and on their constructive cooperation with the United Nations. We decisively reject any attempt to resolve the problems by force.

The draft resolution before us today faithfully reflects the difficult but, we believe, final stage of the Angolan settlement. The draft resolution clearly points the Government of Angola, and UNITA in particular, towards a prompt and successful implementation of the provisions of the Lusaka Protocol, and also provides broad opportunities for effectively controlling the course of the peace process and adapting the actions of the Security Council, depending on the development of events.

We believe that matters relating to the further presence of the United Nations in that country after 1 July will be resolved on the basis of real progress being achieved in the peace process and in consultation with the Government of Angola.

For these reasons, the Russian delegation will vote in favour of the draft resolution.

Mr. Mahugu (Kenya): I, too, wish to welcome the presence among us of the Vice-Minister of Territorial Administration of Angola, General Higino Carneiro. His presence among us today indicates the importance the Government of Angola attaches to the role played by the United Nations in Angola. I am grateful to the Government and the people of Angola for the warm reception they accorded me when I visited Angola last month. Allow me also to recognize the presence in our meeting today of the Special Representative of the Secretary-General, Maitre Alioune Blondin Beye. His efforts in the peace process have been outstanding and should be commended by all of us. I should also like to thank him for all the assistance he extended to me while I was in Angola last month.

Let me begin by stating that my delegation welcomes the recent progress made by the parties in Angola. The agreement reached on 6 March 1998 between the Government of Angola and UNITA on a new timetable allowed the parties to resume the implementation of tasks under the Lusaka Protocol.

The promulgation of the law granting special status to the leader of UNITA, the appointment of the remaining governors and vice-governors, the cessation of broadcasts by UNITA's Radio Vorgan and the installation in Luanda of senior UNITA officials are important tasks that have been completed.

Still, the process is far from conclusion, and there is an urgent need for the parties to complete the process. In particular, the question of disarming the civilian population, the question of ensuring the security of the leader of UNITA and, equally important, the question of concluding the normalization of State administration throughout the Angolan territory — especially in Andulo and Bailundo — must be attended to with urgent determination if the peace process is to succeed.

In addition, in my delegation's view the process of national reconciliation in Angola cannot be said to have begun until the leaders of both parties truly initiate

regular and direct dialogue with each other. In this regard, I wish to reiterate the much-repeated appeal for a first meeting within the territory of Angola between President José Eduardo Dos Santos and Mr. Jonas Savimbi. Such a meeting should go a long way towards creating the necessary atmosphere for dialogue and national reconciliation among all the people of Angola and help heal the wounds of war, suspicion and mistrust.

On the question of the existing sanctions against UNITA, allow me to say that during my recent visit to Angola and States of the region — namely, the Democratic Republic of the Congo, Namibia, South Africa and Zambia — plus the countries of Kenya, Côte d'Ivoire and Togo, I found these measures to be working effectively. There is political will on the part of the member States to ensure compliance with the provisions of the Security Council resolutions. Nevertheless, there are some gaps that need to be filled by member States in attempting to fully implement these measures. It would be in the interest of the Angolan peace process if these measures were made fully effective.

On the question of the future of the United Nations Observer Mission in Angola (MONUA), we fully agree with the views of the Secretary-General, as contained in his current report, regarding the extension of the current mandate for a further period of two months, to end on 30 June 1998. We concur with his recommendation to continue the drawdown until the military component of MONUA is completely withdrawn by that date, in the manner described in that report. We also support the moderate increase in civilian police observers.

In the course of the next two months, we hope to see immediate progress by the Angolan parties in implementing the tasks remaining. We hope that by 30 June 1998 such progress will help the Security Council determine the future status of MONUA in Angola, in terms of mandate, size and structure.

It is for these reasons that my delegation fully agrees with the elements of the present draft resolution and will vote in favour of it.

Mr. Dejammet (France) (*interpretation from French*): The evolution of the peace process in Angola has always been a contrasting mixture of progress and setbacks, of violence and peacemaking. We note, however, that in recent months important steps have been taken towards the implementation of the Lusaka Protocol. We hope that these steps will be irreversible. The extension of the State

administration, especially in Andulo and Bailundo, must be achieved. It would be good if the long-awaited meeting between President Dos Santos and Mr. Savimbi sealed the completion of this process.

Nonetheless, one cannot fail to be struck by the contrast between this positive and encouraging evolution of the peace process and the fact that on the ground the situation remains precarious and hazardous. In some areas there has even been an increase in violence. Of particular concern in this regard are the attacks against United Nations personnel. These attacks must cease. We expect all the parties to show restraint and to use only peaceful means in all future political actions. Armed conflict must yield to democratic contests.

During last week's debate devoted to the Secretary-General's report on Africa, we noted that the United Nations has achieved undeniable successes on that continent. Certainly the activities carried out in Angola by the United Nations Angola Verification Mission (UNAVEM) and then by the United Nations Observer Mission in Angola (MONUA) count among these successes. Tribute should be paid to all of those — Mr. Blondin Beye, Special Representative of the Secretary-General, the Secretariat staff and the staff provided by Member States — who contributed to this success. We must also express our appreciation for the efforts that have been achieved recently on the ground by our colleague the Ambassador of Kenya, Mr. Mahugu.

France supports the recommendations made by the Secretary-General for an extension of MONUA's mandate for a two-month period and a reduction of its military component. Subsequently, the Council will be taking a decision based on how the situation develops and on the new report to be submitted by the Secretary-General. With the completion of the implementation of the Lusaka Protocol, MONUA will have accomplished and concluded its mission, possibly in the months to come.

Experience in recent years suggests that we should be prudent and watchful. But the message of the Council is clear. It is high time to turn this long and tormented page in Angola's history. In the future, the Angolan people must know that the United Nations will remain by their side to help them in their efforts for reconstruction and development.

Mr. Dahlgren (Sweden): Let me first state that Sweden associates itself fully with the statement made by the United Kingdom on behalf of the European Union.

Sweden supports the draft resolution before the Security Council today, which would extend the mandate of the United Nations Observer Mission in Angola (MONUA) for a further two months. We are grateful for the comprehensive recommendations the Secretary-General has already submitted to the Security Council on the future United Nations presence in Angola, which we welcome. We also look forward to any further recommendations he might wish to make in his next report, in June.

We remain convinced that the United Nations presence should continue to be adapted to developments on the ground. We fully support the increase in the civilian police component outlined in the report of the Secretary-General, as well as his intention to strengthen the human rights component of MONUA. These two elements of MONUA play a vital role in helping strengthen the rule of law in Angola and in promoting and protecting human rights. We see the continued importance of these efforts.

We warmly welcome the recent progress in the political process. We regret, however, that the positive developments in the political sphere have not yet been reflected in improvements in the security situation. We condemn attacks by UNITA against the United Nations, humanitarian actors and the Angolan authorities. We join with our colleagues on the Council in urging MONUA to investigate the attack last week in N'gove. Today's draft resolution sends a clear message that such attacks are unacceptable.

Sweden believes that the United Nations can continue to make an important contribution in assisting Angola's efforts to consolidate peace, democracy and development. We believe that MONUA is making such a contribution, together with the Special Representative of the Secretary-General, other elements of the United Nations system and the efforts of the troika of observer countries. As we continue our discussions on the United Nations presence in Angola, we must ensure that a destabilizing vacuum is avoided and that sufficient resources are assigned for the remaining tasks.

Peace and development in Angola will ultimately depend on the will and determination of the Angolans themselves to make the definitive move from conflict to lasting peace. Much has been done, but there are clearly still challenges ahead. We hope for continued progress in

the political process. We also see the need for further action to deal with the difficult social situation in Angola, an area in which the Angolan authorities themselves have a particular responsibility. For its part, Sweden is committed to continuing its long-standing support for peace and national reconciliation in Angola.

Mr. Türk (Slovenia): The peace process in Angola has entered a new phase. As the Secretary-General pointed out in his recent report, most of the tasks under the Lusaka Protocol have now been carried out. Although a full month behind schedule, UNITA's Radio Vorgan closed down on 1 April, thus bringing to an end its anti-Government transmissions. In another important move, a number of senior UNITA members have arrived in Luanda. The Angolan Government, for its part, has appointed three governors and nominated six ambassadors from the ranks of UNITA. Mr. Savimbi's special status has also been promulgated and the issue of his 400 armed bodyguards successfully resolved.

Progress on the road to peace in Angola is undeniable. There are, however, still some obstacles that are cause for concern. The source of our greatest worry at this important and sensitive juncture is the discrepancy between the positive political atmosphere and the situation on the ground. We are especially disquieted by the acts of violence and by the reports of remaining operations, particularly in Malange, Benguela and Huila Provinces. The Secretary-General has referred to these and other armed activities as "a low-level insurgency" [S/1998/333, para. 12], in recognition of the fact that they are being carried out in an organized fashion.

This situation obviously raises serious questions, since incomplete demobilization was one of the most important reasons for the previous breakdowns of the peace process in Angola. We therefore fully subscribe to the call on UNITA to see to it that such attacks are brought to an end. We also expect UNITA to assist the United Nations Observer Mission in Angola (MONUA) in the investigation of these incidents. They must be resolved so that the remaining steps of the Lusaka Protocol can be completed in good faith.

These outstanding steps include the disarmament of civilians and the extension of State administration to the remaining UNITA-held areas. Although UNITA's area of control has shrunk considerably, it still wields power over some 60 districts in the central and southern Ovimbundu heartland of Angola. We are therefore disappointed by the fact that, at a meeting on 17 April,

UNITA failed to reach an agreement on handing back this territory, particularly its headquarters at Bailundo and its main air supply base at Andulo.

We would also like to note that, even though Mr. Savimbi's return to Luanda is not addressed in the Lusaka Protocol, we believe that such a move by the leader of what is now officially the largest opposition party on the Angolan political scene would represent a powerful symbolic boost to the peace process.

The peace process in Angola has been a protracted one and characterized by continuing procrastination. We believe that this regrettable development is due to a large extent to UNITA's tactics of persistent postponements and last-minute conditions. However, the delays in the implementation of key provisions of the Lusaka Protocol are also the result of the general political climate in Angola. And, as the Secretary-General has pointed out, this climate is still characterized by lingering mistrust and insecurity.

We therefore endorse the call on the Angolan Government to give priority to peaceful actions in its efforts to consolidate its authority in the country. Tension between local populations and members of the Angolan National Police can only complicate the process of administrative normalization and unnecessarily undermine the modicum of mutual trust between the two parties to the peace process.

We would also like to emphasize our support for the Secretary-General's recommendation to strengthen the civilian police component of MONUA. We believe that the deployment of 83 additional civilian police observers and an increase in the current police sites from 46 to 51 represent an important ingredient of the transition to post-conflict peace-building.

After four years of promises and missed deadlines, it seems that peace in Angola is finally in sight. Successful completion of the peace process should allow the Angolan leadership and the people of Angola to focus all of their energies on rebuilding their shattered country.

In this crucial period, sustained international efforts to maintain a productive dialogue between the Government and UNITA, to foster national reconciliation and to promote confidence-building measures are essential. We therefore support the extension of MONUA's mandate for another two months and endorse the planned formation of a small specialized unit, as envisaged in paragraph 9 of the

draft resolution. The planned withdrawal of the military component of MONUA should not leave the observers on the ground without the option of relying on emergency United Nations military protection. We also look forward to the Secretary-General's recommendations regarding the future role of the human rights component of MONUA.

Before concluding, I wish to emphasize that Slovenia is aware of the fact that progress in the peace process thus far has been to a large extent the result of spirited leadership on the part of the Secretary-General's Special Representative. We would therefore like to express our deep appreciation to Mr. Alioune Blondin Beye for his untiring efforts to ensure a lasting peace in Angola. We would also like to pay tribute to Ambassador Mahugu for his recent successful mission to the region.

In conclusion, I would like to emphasize that Slovenia supports the draft resolution before us today and will vote in favour of it.

Mr. Buallay (Bahrain) (interpretation from Arabic): The peace process in Angola is at a crucial phase. Considerable progress has been made recently, particularly with regard to the steps taken by the Government of Unity and National Reconciliation and UNITA to accomplish the remaining tasks set forth in the Lusaka Protocol.

On 11 March, the Angolan Government announced the legalization of UNITA as a political party. Three governors have been appointed and seven vice-governors nominated, as envisaged in the Lusaka Protocol. Six names have been nominated for ambassadorships abroad. Mr. Savimbi's special status has been recognized.

On the other side, UNITA demilitarized its forces on 6 March and Radio Vorgan ceased broadcasting in April after having functioned for many years. Consequently, the propaganda campaigns have shut down in recent weeks and a UNITA delegation, led by the party's Vice-President, arrived in Luanda to prepare for the establishment of UNITA headquarters in the capital. We believe that these measures are very positive and will help to restore confidence between the two parties. That is why it is important to continue working to accomplish all the tasks laid down in the Lusaka Protocol as soon as possible.

Progress has undoubtedly been achieved and that is encouraging, but the security situation in some areas of the country remains precarious. The continuing tensions

are mostly the result of armed attacks, often targeting civilian police and local government authorities, resulting in many casualties. Armed elements of UNITA have also launched two attacks on MONUA. These actions and the constant threats against the Angolan National Police have also affected stability and security in other regions of Angola and are delaying the implementation of the remaining tasks. We therefore call on UNITA to intervene and to put an end to these attacks and unwarranted activities.

The United Nations presence in Angola and its assistance in strengthening peace and stability have undoubtedly greatly helped to alleviate the situation and bring the parties closer to each other. This participation is necessary in order to bolster the efforts being made to effect national reconciliation, restore confidence and strengthen economic and social development. We believe that the deployment of 83 additional civilian police observers, as authorized by the Security Council in its resolution 1157 (1998), will facilitate the normalization of State administration and help in the training of some elements of the Angolan National Police.

My delegation believes that it is very important to intensify efforts towards national reconciliation and stability. We therefore favour extending MONUA's mandate to 30 June 1998 and will vote in favour of the draft resolution before us.

Mr. Shen Guofang (China) (*interpretation from Chinese*): The peace process in Angola has lasted for several years. Most of the tasks contained in the Lusaka Protocol have been completed through the untiring efforts by all parties, especially the Government and people of Angola. There is finally hope that peace can be realized in Angola. The Chinese Government is deeply encouraged by this development.

The draft resolution before us once again urges UNITA to take effective measures to fulfil its obligations so as to bring about the normalization of national administration throughout Angola as soon as possible. To ensure the smooth realization of this goal, the Chinese delegation is in favour of extending the mandate of the United Nations Observer Mission in Angola (MONUA) until 30 June and calls on the parties concerned effectively to guarantee the safety of MONUA personnel. We are deeply concerned at the attacks carried out by UNITA personnel against MONUA and hope that such incidents will not recur in the future.

China endorses the recommendation of the Secretary-General on the phasing out of military personnel from Angola.

The international community and international financial institutions should provide more assistance in the post-conflict peace-building of Angola.

We should carefully listen to and respect the views of the Angolan Government on the future presence, size and organizational structure of MONUA, as well as the future presence and functions of the United Nations in Angola. In this regard, we look forward to the recommendations of the Secretary-General to be submitted to the Security Council after consultations with the Angolan Government.

In view of these considerations, my delegation will vote in favour of the draft resolution.

Mr. Dangué Réwaka (Gabon) (*interpretation from French*): My delegation would also like to associate itself with the words of welcome addressed to General Carneiro, Vice-Minister for Territorial Administration of Angola, and to the members of his delegation.

The extension of the mandate of the United Nations Observer Mission in Angola (MONUA) until 30 June 1998, which we are about to decide on, is resolutely in conformity with the desire of the United Nations to see the culmination of the peace process in Angola through the full implementation of the arrangements set out in the Lusaka Protocol and the pertinent resolutions of the Security Council.

During its last consideration of the situation in Angola, the Security Council stated its concern at the state of insecurity which persists in certain regions of the country, and the failure of several areas to return to the fold of the State's authority. Nevertheless, the report of the Secretary-General in document S/1998/333, dated 16 April 1998, and the additional information provided by his Special Representative, Maitre Blondin Beye, to the Council during its informal consultations, have indicated that discernable progress has been made recently.

In fact, the Government of Unity and National Reconciliation has taken several encouraging steps, such as recognizing UNITA as a political party, promulgating into law the status of Mr. Savimbi and installing the political leadership in Luanda.

For its part, UNITA has proceeded to put a stop to the broadcasts of Radio Vorgan.

All the conditions having to do with the implementation of the Lusaka Protocol now seem to have come together to justify the withdrawal of MONUA according to the timetable put forward by the Secretary-General and approved by the Council.

In view of this, and taking into account the particularly privileged relations which exist between Gabon and Angola, my delegation would like to express the hope that this fraternal country will recover its stability so that it can devote all its efforts to the weighty task of economic and social development facing it.

My delegation will therefore vote in favour of the draft resolution before us.

Mr. Sáenz-Biolley (Costa Rica) (*interpretation from Spanish*): My delegation is pleased to be here today at this formal meeting to consider the situation in Angola in the presence of the Vice-Minister for Territorial Administration of Angola. We welcome him and express our appreciation to him.

New information and events show that the current stage in Angola is crucial and decisive to its future. Advances in the political arena are encouraging. The basic objectives of the Lusaka Protocol have already been met and State administration continues to be established in the various areas, albeit at a slow pace. UNITA has already been legalized and has become a political party, and security measures have been agreed upon for Mr. Savimbi to move to Luanda. Elections will soon be conducted, and the work of demobilization has been concluded. Radio Vorgan has put an end to its broadcasts, and we are awaiting the prompt initiation of the non-partisan Radio Despertar.

My delegation notes with satisfaction that a high-level UNITA delegation has already moved to Luanda and that, for the first time since the signing of the Lusaka Protocol, the warring parties are complying with what has been agreed.

The will of President Dos Santos and of the Government of Angola to fulfil their responsibilities has been decisive in this whole process, and we want to recognize that.

Nevertheless, we are concerned that UNITA continues to obstruct progress and to promote acts of violence. We are likewise gravely concerned at the attacks on and violations of property perpetrated against the personnel of the United Nations Observer Mission in Angola (MONUA) and of other international organizations. Costa Rica condemns these acts and appeals to UNITA to fully join the peace efforts, which now, after years of war and destruction, have begun a stage of consolidation.

All these elements are leading to a new situation and, in the view of my delegation, need to be taken into account with regard to the role played by the international community.

Although the security situation remains difficult, humanitarian assistance operations are continuing, and progress in other areas has been outlined in the report of the Secretary-General.

We would like draw attention to the grave problem of mine-laying in Angola. This is affecting the civilian population and international staff and hampers humanitarian assistance. My country urgently calls for an end to this activity.

Costa Rica supports the efforts being made by the Office of the United Nations High Commissioner for Refugees and the World Food Programme to provide humanitarian assistance to the large number of internally displaced persons and refugees, who continue to pose a serious problem and to affect the stability of the country.

We completely agree with the approach presented by the United Nations system which consists of ensuring a transition from a complex situation of humanitarian assistance to one of rehabilitation, peace-building and development in Angola. This new peace-building stage is extremely important, and in this respect my delegation supports the recommendations made by the Secretary-General in connection with the necessary restructuring of MONUA. This process of change in MONUA has clearly been designed to prepare Angola to embark on a path of reconstruction and rehabilitation in an integral way.

It is necessary to increase the number of civilian police observers, as they will ensure the security of the Angola population. Their training is vital in order for all humanitarian, social and economic and activities can be carried out without delay.

We would like to draw attention to the information with regard the difficult economic situation of the country, particularly the financial deficit. We hope for an understanding and united attitude on the part of the international community, and, in particular, a new approach by international financial organizations.

My delegation supports the efforts made by the Sanctions Committee established by Security Council resolution 864 (1993), and we express our appreciation to it. We also note with satisfaction the commitments undertaken by neighbouring countries so that the sanctions imposed can be effectively implemented. Those commitments were demonstrated during a recent visit to the region. We also commend the work being done by the Special Representative of the Secretary-General, Mr. Beye, which has been decisive in the Angolan peace process, and we support his continued efforts, as well as those of all the personnel of MONUA.

In conclusion, my delegation urges the parties to continue to implement the Lusaka Protocol and to work together in order to achieve the peace and stability that the Angolan people deserve. My delegation will support the draft resolution before us.

Ms. Soderberg (United States of America): First, let me extend a warm welcome to the Secretary-General's Special Representative, Maître Beye, and commend him once again for his tireless efforts on behalf of peace in Angola. I also want to extend our warm thanks to Ambassador Mahugu for his willingness to travel to the region for the important mission of sanctions enforcement.

Three months ago, the United States welcomed the agreement by the Government of Angola and UNITA on a timetable to complete the remaining tasks of the Lusaka Protocol. Since then, most of the tasks have been accomplished. We recognize the patience and flexibility of the Government of Angola and UNITA, which made this progress possible.

Now the Angolan Government and, in particular, UNITA must take the final steps towards peace. They must complete the normalization of State administration throughout the national territory, especially in Andulo and Bailundo. They must also disarm the civilian population, cease all hostile propaganda and turn their efforts towards reconciliation and reconstruction.

As the tasks of the Lusaka Protocol are completed, the United States renews its commitment to reconsider the

need for sanctions against UNITA according to the provisions of resolution 1127 (1997).

However, the United States is increasingly concerned that the Government of Angola and UNITA are meeting the letter, but not the spirit, of the Lusaka Protocol. For example, although UNITA declared its troops to be demobilized, we continue to receive reports that armed UNITA units exist and are involved in attacks against United Nations and international personnel, as well as against Angolan national authorities. The Government of Angola, for its part, must ensure that the National Police carry out their duties with regard to the normalization of State administration in a manner that promotes reconciliation. If there are abuses by Government authorities during this difficult process, the Government of Angola must bring those responsible to justice. It is time to set violence aside and to heal the wounds of so many years of war. To that end, we again urge that the long-awaited meeting between President Dos Santos and Mr. Savimbi take place as soon as possible.

We support the draft resolution before us today, which contributes to the transformation of the United Nations Observer Mission in Angola (MONUA) from a peacekeeping operation to the observer mission it was originally intended to be. As the peace process proceeds, a further review of MONUA's mandate, size and organizational structure will be needed. However, the withdrawal of MONUA must not be precipitous. The international community must ensure that its years of investment in peace are not jeopardized in the final months. This draft resolution provides the right balance.

The goal of the international community should be to reinforce stability by gradually transferring the non-military functions of MONUA to other United Nations or international agencies. During this process, we fully expect both the Government of Angola and UNITA to give full support and cooperation to MONUA.

Even in peace Angolans face a difficult period of recovery. People are still not able to move freely throughout the national territory because of illegal checkpoints and, worse yet, because of deadly landmines. Angola will continue to need international assistance to strengthen its democratic institutions, reinforce the rule of law and initiate economic reform leading to a full economic recovery.

The progress to date in the peace process would not have been possible without the untiring work of the

Secretary-General's Special Representative and the umbrella of security provided by the personnel of MONUA. We express our gratitude for their efforts. We would like to take special note of the contribution of Major-General Phillip Sibanda, who will complete his tour of duty with the Mission tomorrow, after years of distinguished service.

Mr. Touray (Gambia): Please allow me to thank the Secretary-General for his detailed report contained in document S/1998/333.

The long suffering of the people of Angola should be brought to an end as soon as possible. The United Nations and the international community have been making serious efforts in this direction. The conflicting parties in Angola, in particular UNITA, should therefore comply fully and without condition with their obligations under the Lusaka Protocol.

My delegation is encouraged by the fact that there has been significant progress in the peace process in Angola. It is very pleasing to note that 11 out of the 12 pending tasks have been completed. Although the deadline for the completion of the tasks was not fully met, significant strides have been made. Of these important achievements, my delegation attaches particular importance to the promulgation of the law granting special status to Mr. Savimbi, the appointment of governors nominated by UNITA and the termination of Radio Vorgan's broadcasts, to name just a few.

My delegation is, however, disappointed at the slow rate at which State administration is being extended. As stated in paragraph 6 of the report, State administration has been established in only 269 out of the 335 localities. Our greatest disappointment on this front stems from the fact that UNITA still controls five of its strategic strongholds including Andulo and Bailundo. By maintaining these strongholds, UNITA will not help the peace process. It is desirable to call on UNITA to honour its obligations and ensure the normalization of State administration throughout the country, as is done in paragraph 1 of the draft resolution.

The availability of arms to a large number of civilians is a major concern, particularly considering the rise in banditry in several areas in the country. My delegation therefore agrees with the Secretary-General that the collection of unauthorized weapons has become more urgent than ever before. The draft resolution calls for the

disarmament of the civilian population. This is a step in the right direction.

My delegation is very concerned about the precarious security situation that continues to prevail in many parts of the country. The draft resolution rightly condemns the increasing armed attacks on United Nations Observer Mission in Angola (MONUA) personnel and property, on humanitarian workers and on members of the Angolan National Police. The request made to MONUA in paragraph 4 of the draft resolution to investigate this issue is also a step in the right direction.

UNITA has consistently been indulging in a deliberate ploy to further delay the peace process. This is not beneficial to the peace process. Paragraphs 2 and 3 of the draft resolution are therefore very fitting. We must send a clear signal to UNITA that the international community is not prepared to accept any steps that will lead to the stagnation or reversal of the peace process.

The achievements of the peace process are fragile and require further consolidation. As the mandate of MONUA is coming to an end, we support its extension so that the gains made so far will not be sacrificed.

My delegation also supports the follow-on intervention recommended by the Secretary-General in paragraphs 41 to 44 of the report. Without these interventions, the successes of MONUA would be left in a very fragile state. This is not desirable, as the problems that may ensue may bring us back to square one. In that context, my delegation encourages the Secretary-General, as envisaged in paragraph 11 of the draft resolution, to provide additional proposals about the modalities for pursuing the vital peace-consolidating activities he recommended.

We believe that the draft resolution points in the right direction. My delegation expresses its support for it and will vote in favour of it.

The President: I shall now make a statement in my capacity as the representative of Japan.

For nearly a decade, the United Nations has been engaged in the establishment of peace in Angola, a country which was afflicted with conflict in the context of the cold-war confrontation. The United Nations launched its first peacekeeping operation in Angola, the United Nations Angola Verification Mission, in 1989. Since then, we have witnessed many vicissitudes in the

process of consolidating peace and stability in that country. More recently, however, the Government of Unity and National Reconciliation (GURN) and the União Nacional para a Independência Total de Angola (UNITA) have been pursuing the path towards national reconciliation under the Lusaka Protocol to our satisfaction, on the whole.

Having said that, looking at the situation from this broad perspective, Japan cannot help entertaining serious concern about the recent reports of repeated attacks against several towns and villages in Angola by well-organized and well-equipped militias. We in the Council strongly condemn these attacks. They could destroy the confidence that has been so painstakingly created through the efforts of GURN and UNITA, and, if left unchecked, they could lead to a resumption of the conflict. Such acts of violence are also a challenge to the efforts of the international community to secure peace throughout the country and to lay the foundation for a brighter future for the Angolan people.

In the view of the Government of Japan, the Angolan peace process has now reached its final, crucial stage. The next step that the United Nations will take is going to be critical to the consolidation of durable peace in Angola, as it will be the capstone of the nine previous years of United Nations effort. But before the international community can finally declare that national reconciliation and lasting peace have been achieved in Angola, there remain a number of political issues that must be resolved. It is essential that Mr. Savimbi move his headquarters to Luanda and that he and President Dos Santos pledge their cooperation for a new nation-building endeavour through a face-to-face meeting. The Government and UNITA must work together to build a new environment of mutual confidence and cooperation in order to promote genuine national reconciliation. Only when these two parties translate their declared political will into action can we be certain that the conflict has been overcome once and for all.

The fact that the draft resolution before us would extend the mandate of the United Nations Observer Mission in Angola (MONUA) for a two-month period, instead of the usual three-month period, is a clear indication of the Council's understanding that the peace process in Angola is entering its final phase. It is also a reflection of the Council's determination to consolidate the peace process once and for all. I should like to call upon the GURN and especially UNITA to endeavour with renewed resolve to finalize the process of reconciliation, for the responsibility of building and consolidating peace

and stability in the country after MONUA has completed its mission will be theirs.

Given the critical stage of the peace process in Angola, and in view of the crucial role that MONUA is playing at this juncture, I wish to call upon UNITA to refrain from any acts of violence against MONUA, as well as against the Angolan police and the civilian population, and to call upon the Government of Angola to refrain from an excessive use of force. It is incumbent upon both parties to focus their efforts on the full implementation of the Lusaka Protocol and to cooperate in good faith for national peace and reconciliation.

For all these reasons that I have outlined, my delegation will vote in favour of the draft resolution before us.

In closing, I wish to express the abiding appreciation of my delegation to the Secretary-General, to his Special Representative, Mr. Alioune Blondin Beye, and to all the personnel of MONUA, as well as to the three observer States for their valuable efforts on behalf of the peace and stability of Angola.

I now resume my functions as President of the Council.

I shall now put to the vote the draft resolution contained in document S/1998/349.

A vote was taken by show of hands.

In favour:

Bahrain, Brazil, China, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1164 (1998).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.30 p.m.



Security Council

Fifty-third Year

Provisional

3877th Meeting

Thursday, 30 April 1998, 12.45 p.m.
New York

<i>President:</i>	Mr. Owada	(Japan)
<i>Members:</i>	Bahrain	Mr. Bualay
	Brazil	Mr. Amorim
	China	Mr. Shen Guofang
	Costa Rica	Mr. Sáenz-Biolley
	France	Mr. Teixeira da Silva
	Gabon	Mr. Dangué Réwaka
	Gambia	Mr. Touray
	Kenya	Mr. Mahugu
	Portugal	Ms. Gomes
	Russian Federation	Mr. Karev
	Slovenia	Mr. Türk
	Sweden	Mr. Dahlgren
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Ms. Soderberg

Agenda

The situation concerning Rwanda

Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States



The meeting was called to order at 12.45 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Rwanda

Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1998/353, which contains the text of a draft resolution submitted by Costa Rica, France, the Gambia, Kenya, Portugal, Slovenia, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I should like to draw the attention of the members of the Council to document S/1997/812, which contains the text of a letter dated 15 October 1997 from the Secretary-General addressed to the President of the Security Council, transmitting the letter dated 1 August 1997 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General.

Sir John Weston (United Kingdom): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia — and the associated country Cyprus, as well as the European Free Trade Association (EFTA) country member of the European Economic Area, Norway, align themselves with this statement.

The International Tribunal for Rwanda was established by the Security Council in resolution 955 (1994) with the aim of putting an end to the impunity of persons responsible for genocide and other serious violations of humanitarian law committed in Rwanda in 1994. The establishment of the Tribunal reflected the will of the international community that, by the prosecution of the

perpetrators of these grave crimes, their repetition should be prevented and that justice should be seen to prevail.

The European Union has cooperated closely with the Tribunal through the arrest and transfer of suspects to the Tribunal, through voluntary contributions to the Trust Fund in surplus of assessed contributions and through the provision of staff to the Tribunal. The European Union reiterates its strong support for the Rwanda Tribunal as it discharges its difficult and important mandate, which is essential for national reconciliation and the prevention of future conflicts.

In paragraph 7 of resolution 955 (1994), the Council agreed that it would consider increasing the number of judges and Trial Chambers of the Tribunal if it became necessary. In this context, the European Union emphasizes the importance of respecting the human rights of the individual and the need to try those accused of crimes within the jurisdiction of the Tribunal without undue delay. Justice delayed is justice denied. We have therefore noted with great concern the current situation with regard to the number of accused persons in pre-trial detention in the Tribunal's prison quarters in Arusha. Of the 25 accused persons currently detained, 21 are in pre-trial detention and five have been detained awaiting their trial for almost three years. We also note that it is possible that other accused persons, and that still others against whom charges have not yet been filed, may in the future join those currently detained in Arusha. In these circumstances, the European Union believes that it is now important to create a third Trial Chamber for the International Tribunal for Rwanda, consisting of three judges, in order that the administration of justice by the Tribunal can be accelerated and so that those in custody can be brought swiftly to trial.

At the same time, the European Union reiterates its position that, in order to administer justice promptly and fairly, the Tribunal must be able to function efficiently. We are pleased to recall that the Office of Internal Oversight Services has recently reported significant improvements in the functioning of the Tribunal. We do, however, note that a number of problems remain, not least in the areas of financial and administrative control, recruitment of personnel and the establishment of an effective witness-protection programme. The European Union stresses the importance of a continued improvement in practical arrangements in these areas in order that the expanded Tribunal can function effectively.

The President: It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Dahlgren (Sweden): Sweden fully agrees with the statement just made by the representative of the United Kingdom on behalf of the European Union.

It is now four years since the genocide in Rwanda, four years since that cruel wave of killings of up to 1 million people. In his recent report on Africa, the Secretary-General highlighted the failure of the international community to prevent the genocide. We agree with him when he states,

"The horrifying suffering of the Rwandan people sends the clear and unmistakable message that the international community must never again tolerate such inaction." [S/1998/318, para. 32]

The genocide in Rwanda showed us the imperative of action to see to it that those responsible are brought to justice and to do everything possible to prevent the atrocities of 1994 from recurring.

The establishment of the International Criminal Tribunal for Rwanda was in itself an important step, as evidence of the willingness of the international community to deal with the aftermath of genocide. Rendering justice is crucial to ending impunity and to achieving reconciliation and peace within Rwanda and in the region.

In this context, it is also important that the national judicial system of Rwanda be strengthened in parallel with the continued work of the Tribunal.

Today, three and a half years after its establishment, the Tribunal faces a heavy workload, with 25 suspects currently in the custody of the Tribunal. The cause of justice requires that those indicted be tried without undue delay.

These are the main reasons why Sweden strongly felt the need for an initiative in the Council to strengthen the Tribunal for Rwanda by adding a third Trial Chamber. It gives us great satisfaction that the Council is able to

respond positively to the request from the International Tribunal for three additional judges. It is our hope that this decision will be a concrete contribution to peace, justice and stability in Rwanda.

We hope that the establishment of a third Trial Chamber will also be matched by continued efforts by all organs of the Tribunal to improve the efficiency of their work. In particular, it is necessary for the third Chamber to be given the resources it needs to function effectively. Members of the Council look forward to being kept informed of progress in this regard, and we trust that the various organs will comply with the recommendations of the latest report from the Office of Internal Oversight Services.

The International Tribunal for Rwanda needs our full cooperation and support to be able to carry out its mandate. We welcome the cooperation which has already been extended to the Tribunal, and we hope all States will continue to cooperate fully with it.

In conclusion, I would like to place on record the warm appreciation of my delegation to members of the Council, to the Secretariat and to the Tribunal itself for the constructive atmosphere and spirit of cooperation which have guided the negotiations on the draft resolution before us. We feel that today's decision is an important one for the Tribunal and for Rwanda. Its adoption by consensus will be a clear sign of the continued unanimous support of the Council for the International Tribunal for Rwanda.

Ms. Gomes (Portugal): The International Tribunal for Rwanda was established in 1994 to prosecute persons responsible for genocide and other serious violations of international humanitarian and human rights law. The creation of this Tribunal should be seen as part of the response of the international community to the tragedy that occurred in the Great Lakes region. It is no doubt contributing to the restoration of peace and justice in that region.

But the International Tribunal was meant to serve, above all, as a means to enable as much as possible the redressing of the gross violations perpetrated. We cannot forget how important this is for those who survived and suffered the effects of those blatant human rights violations. We also recognize that the trials of the persons responsible for them will serve as a clear signal to the international community: crimes such as those

perpetrated in Rwanda are simply not admissible and will not be tolerated; impunity cannot continue.

The same views and goals lead us today to adopt this draft resolution. Justice has to be done, and has to be done without delay. Those accused must be tried fairly and promptly. We are extremely concerned about the large number of people detained and waiting for trial in Rwanda. The Council is aware of its responsibility to ensure these rights of the accused and does not forget that justice delayed is justice denied.

We know the difficulties faced by the International Tribunal, and we recognize the efforts put forward by all its magistrates and personnel to overcome them. We believe that the Council, in establishing this important judicial mechanism, cannot overlook the need to continue to provide them with the necessary means to carry out their tasks.

The creation of a third Trial Chamber, which is the object of the draft resolution before the Council, is the appropriate response at this moment. We are confident that this measure will result in improving the efficiency of the Tribunal. In taking this measure, we are also contributing to redressing a horrifying tragedy and thus to the restoration of peace, justice and security in the Great Lakes region.

Mr. Türk (Slovenia): The International Tribunal for Rwanda was established by the Security Council to bring to justice persons responsible for the 1994 genocide in Rwanda. The Tribunal cannot undo what was done, but it can have an important preventive effect by ensuring that there is an end to impunity. The work of the Tribunal is crucial for national reconciliation in Rwanda and its liberation from the traumas of the past, and is also important for the stabilization of the whole Great Lakes region. The Tribunal should be provided with appropriate means to fulfil its mandate in its entirety.

In resolution 955 (1994), the Security Council expressly kept open the possibility of increasing the number of judges and Trial Chambers should this become necessary. We believe that the current situation calls for such action by the Council. The waiting periods in pre-trial detention have become too long. There is a danger that international standards of due process may not be fully observed. In this connection, we wish to stress the importance of the International Covenant on Civil and Political Rights, which provides in article 14, paragraph 3 (c) for the right of everyone to be tried without undue

delay. This is an international standard of universal importance.

The Tribunal has to be given the opportunity to render justice fairly and swiftly in order to meet international standards, as well as the expectations of Rwandans and of the international community. We should keep in mind that we are talking about the gravest of crimes — genocide and crimes against humanity — and that the performance of this Tribunal also effects the ongoing preparations for the establishment of the international criminal court. The International Tribunal for Rwanda cannot afford to fail in its mission, and the same can be said for the International Criminal Tribunal for the Former Yugoslavia.

In the light of what I have just said, Slovenia supports the establishment of the third Trial Chamber for the International Tribunal for Rwanda, consisting of three judges. At the same time, we would like to reiterate our commitment to the principle of independence of the judiciary and our support for all the measures and proposals that could help improve the functioning of the Tribunal so that it can carry out its work in the most effective and efficient way possible.

The draft resolution submitted for action by the Security Council today contains all the elements of the necessary assistance to the Tribunal. We wish to pay tribute to the delegation of Sweden for its efforts in preparing the draft resolution.

It is also important that the draft resolution stresses the need for international cooperation to strengthen the courts and judicial system in Rwanda, with particular regard to the necessity for those courts to deal with the large number of accused awaiting trial. We see such cooperation as a necessary complement to the strengthening of the International Tribunal.

Slovenia shall vote in favour of the draft resolution before the Council today.

Mr. Mahugu (Kenya): Let me begin by expressing our gratitude to the delegation of Sweden for spearheading the early consideration of the matter before us and for coordinating work on the draft resolution that contains the important decision we are about to take, namely, the establishment of a third Trial Chamber of the International Tribunal for Rwanda.

Since last year, when nine key suspects were arrested in Operation NAKI by Kenya law enforcement personnel and handed over to the Tribunal, the activities of the Tribunal have continued to increase. Currently there is a total of 23 suspects in custody, out of which six have been detained for nearly three years while awaiting trial. The Tribunal cannot abdicate from meeting its statutory obligations of providing the accused persons with fair and expeditious trials. As the maxim goes, justice delayed is justice denied. Undue delay is therefore unacceptable.

Our timely action today, in response to the request by the Tribunal to expand its capacity to enable it to fulfil its tremendously important mission, demonstrates not only the Security Council's support for the Tribunal but also its determination to help bring about and maintain international peace and security in the subregion. Indeed, this decision to establish an additional Trial Chamber averts a crisis which would inevitably have faced the Tribunal in the not-too-distant future.

The draft resolution calls upon the Tribunal and its organs to consider ways to increase further its efficiency as well as to improve the methods and procedures of its work. This is an important measure, without which the effectiveness of the Tribunal in dispensing justice will be brought into question. In this regard, we note that most of the recommendations contained in the 1997 report of the Office of Internal Oversight Services (OIOS) on the operations of the Tribunal, which had identified various difficulties in its overall management and its organs, have been implemented. The follow-up OIOS report [A/52/784], dated 6 February 1998, acknowledges this progress and notes in the summary, on page 2,

"Improvements were observed in virtually every area [of the Tribunal] surveyed by the team of investigators and auditors"

and in paragraph 7 that

"In the past six months, the new officials of the Tribunal have effected major improvements in its operations."

Of course it cannot be denied that some aspects of the environment in which the Tribunal for Rwanda operates, including logistical and infrastructural limitations, as well as the lack of adequate facilities, have contributed to the operational deficiencies experienced since its inception. These considerations may have been in the mind of Judge Laity Kama, the President of the Tribunal, when on 8

December 1997 he told the General Assembly that the Rwanda Tribunal was like "a cottage industry" [*Official Records of the General Assembly, Fifty-second Session, Plenary Meetings, 66th meeting, p. 3*] when compared to the Tribunal for the former Yugoslavia. Thus, as we commend the staff of the Rwanda Tribunal for their efforts to surmount some of these difficulties, we wish to stress that unless adequate financial and administrative resources are provided, the Tribunal will not be able to overcome these problems.

The primary goal of the two ad hoc tribunals established by the Security Council is to bring peace through justice. To this end, the tribunals are critical not only for the orderly development of jurisprudence in an area of international law that has regained great importance, particularly during this period when the international community is geared towards establishing a permanent international criminal court, but also for the role they play in contributing to national reconciliation and political stabilization, especially in the Great Lakes region. The Security Council must therefore ensure that the Rwanda Tribunal is able to fully discharge its responsibilities without compromising on established standards of criminal justice. It is for this reason that we welcome and support this decision to establish the third Trial Chamber of the Rwanda Tribunal, and are pleased to co-sponsor this draft resolution.

Mr. Sáenz Bolyey (Costa Rica) (*interpretation from Spanish*): Costa Rica believes that in countries that have suffered internal conflict there can be no peace without justice and no reconciliation without the truth coming to light, and that a free and democratic society cannot be constructed while criminals who have committed the most horrible atrocities go unpunished. Impunity is a threat to peace, as it provokes victims to seek revenge and reinforces the arrogance of the aggressors.

In this context, the existence of the Tribunal for Rwanda is an indispensable element for reconciliation in the Great Lakes region. That is why my delegation is pleased to co-sponsor and to vote in favour of this draft resolution to increase the number of judges of the International Tribunal for Rwanda.

Costa Rica can only respond favourably to the request of the Tribunal addressed to the Security Council through the President of the Tribunal, Judge Kama, to establish a third Trial Chamber with a view to trying without delay all those who have been detained and charged and who are already in the custody of the

Tribunal. We are convinced that one of the basic requirements for the proper administration of justice is that it be swift. In this regard, the decision that the Security Council will take today is, to put it simply, a way of ensuring that the fundamental rights of the accused are fully respected.

On the other hand, we acknowledge the efforts that the Tribunal has been making to improve its efficiency. However, we believe that there are still areas where further improvements can be made, particularly with regard to procedures and methods of work, as well as in coordinating its activities with the office of the Prosecutor.

Furthermore, the Tribunal cannot be truly effective if it does not have the full and impartial cooperation of all States, in particular the countries of the Great Lakes region, or if it does not have the necessary financial and human resources. All of us must make greater efforts in this area.

My delegation cannot fail to take this opportunity to mention its concern about the execution by the Rwandan authorities of various individuals accused of committing acts of genocide. Costa Rica opposes the death penalty in all circumstances. The administration of justice must not violate the fundamental right to life of all human beings. For that reason we call upon those authorities to impose sentences that are in keeping with the highest standards of respect for human rights.

We are also compelled to express our deep concern about the large number of detainees in the prisons of that nation and the poor conditions under which they are being held. More must be done to ensure proper conditions for those prisoners. Above all, their legal rights must be strictly respected when they are tried.

I should like to take this opportunity to reaffirm that Costa Rica believes that the work of the criminal tribunals established by the Security Council must be restricted to exceptional situations in which the States with jurisdiction over the criminals are genuinely unable to bring them to justice or are prejudiced to such an extent that justice cannot be properly administered.

We believe that the establishment of such tribunals must respond to a real need and must in no way eliminate the primary responsibility of the States involved to administer justice. In this connection, we should recall that the International Tribunal for Rwanda cannot take the place of the local courts of that nation, which is why the

international community must cooperate with them in their work to shed light on the atrocities committed in that nation and punish those responsible.

In this same context, we should like to reaffirm our country's steadfast commitment to a permanent independent, impartial and effective international criminal court's being established by the diplomatic conference that will take place in Rome in June and July this year. Only by establishing such a court will the international community definitively and genuinely reject and condemn the most serious crimes, which shock the conscience of the world. In contrast to that future court, the tribunals established by the Security Council are no more than a temporary and transitory palliative for emergencies when there is a real threat to international peace and security. Once that standing court is established, the Security Council will never again have to establish ad hoc tribunals.

In conclusion, allow me to thank the delegation of Sweden for its leadership in preparing the draft resolution before us.

Mr. Amorim (Brazil): The genocide in Rwanda is one of the most tragic events of the last decades. There is a prevailing feeling that the international community could have done better and that steps could have been taken to avoid the massacres. Given the difficulties faced by the Rwandan judiciary system, the International Tribunal has become an increasingly relevant tool for ensuring the fair trial of those involved in the genocide, thus contributing to peace and reconciliation in Rwanda.

The increase in the number of indicted persons justifies the addition of a third Trial Chamber. The decision the Council is about to take, which we support, takes into account the political factors involved and is a signal to the Rwandan people that the international community is ready to assume its share in the process of healing the wounds of the terrible events of 1994.

The clear commitment of the Tribunal to enhance its efficiency and improve its administrative practices was yet another key element that made consensus on this issue possible.

In view of the well-known positions of Brazil on human rights in general and on the death penalty in particular, let me state that it is our hope that an expanded and more efficient International Tribunal for

Rwanda may render executions such as the ones we have witnessed recently less likely in the future.

Mr. Shen Guofang (China) (*interpretation from Chinese*): Since its establishment, the International Tribunal for Rwanda has done quite a lot of work and has played a certain positive role for the stabilization of the situation in the Great Lakes region as well as that of Rwanda. China fully understands the request of the Rwandan Government and other concerned African countries that a third Trial Chamber be established so as to expedite the trial of the indicted. China hopes that this will help further stabilize the situation in the region and promote the national reconciliation process.

In view of the above, China will vote in favour of this draft resolution and hopes that the International Tribunal will take effective measures to enhance its efficiency. At the same time, I wish to reiterate that China's position with regard to the creation of international tribunals remains unchanged. I also want to point out that the reference to Chapter VII of the Charter in the draft resolution is only a technical reaffirmation of the content of resolution 955 (1994) and does not constitute any precedent.

Mr. Buallay (Bahrain) (*interpretation from Arabic*): The Security Council created the International Criminal Tribunal for Rwanda by resolution 955 (1994) of 8 November 1994. The fundamental aim of the Tribunal was to bring to justice those persons presumed responsible for the genocide and other serious violations of international humanitarian law committed in Rwanda in 1994.

The genocide perpetrated in that country is appalling. In our opinion, no one will forget the images that were transmitted by all the media, showing citizens roaming the countryside, having left their homes for fear of suffering the cruel fate of the rest of their families. We will not forget the spectacle of the corpses piled up after the various massacres.

The persons presumed responsible for these criminal acts must be tried as an example to others. There is overwhelming proof of who the real perpetrators of these calculated and systematic acts are. These acts represent a violation of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

Concerned not to let the perpetrators of these crimes evade justice, the Security Council decided to establish the International Criminal Tribunal for Rwanda under Chapter VII of the Charter of the United Nations. The competence

of the Tribunal and its temporal and geographic limits were defined: it is competent to try persons responsible for serious violations of international humanitarian law perpetrated on the territory of Rwanda and Rwandan citizens responsible for such violations on the territories of neighbouring States. The competence of the Tribunal is thus extra-territorial, extending beyond Rwanda to neighbouring countries, because atrocious massacres were also committed in Rwandan refugee camps in these countries.

The International Criminal Tribunal must continue its work of trying the accused and fulfil its responsibility to bring these people to trial without delay. The citizens of Rwanda and the world are waiting for justice to be done and for the criminals to be punished.

This is why my delegation wishes to facilitate the judicial procedures and today supports the establishment of a third Trial Chamber so that the Tribunal can actively pursue its efforts to improve the effectiveness of its work, strengthen its working methods and procedures, and try the accused promptly. Therefore, Bahrain will vote in favour of the draft resolution that we have before us.

Mr. Dangué Réwaka (Gabon) (*interpretation from French*): The horror of the massacres perpetrated in 1994 in Rwanda by extremist groups aroused the consternation and the indignation of the international community.

Therefore, concerned to put an end to these extremely violent acts and to punish the perpetrators severely, the Security Council, by resolution 955 (1994), established the International Criminal Tribunal for Rwanda to prosecute those presumed responsible for acts of genocide or other grave violations of international humanitarian law committed on the territory of Rwanda, as well as those Rwandan citizens accused of such acts or violations committed on the territory of neighbouring States between 1 January and 31 December 1994.

In our opinion, the establishment of this institution should — by the exemplary nature of its judgements — not only alleviate the great sorrow of the families of the victims, but also contribute to mitigating the social tensions and serve as a deterrent to all those who might be tempted to commit such acts.

Given the limited capacities of the operating structures and the number of people who have been accused, the President of the Tribunal proposed, as was

foreseen in the provisions of resolution 955 (1994), that a third Trial Chamber of the International Tribunal for Rwanda be established.

This Third Chamber will make it possible for the accused to be prosecuted without delay, thereby meeting the legitimate expectations of the Rwandan population and of the international community. This draft resolution accomplishes this, and my delegation firmly supports it.

Mr. Teixeira da Silva (France) (*interpretation from French*): The Security Council, in resolution 955 (1994), entrusted the International Criminal Tribunal for Rwanda with the mission of prosecuting, trying and punishing the persons responsible for acts of genocide committed in 1994 in Rwanda. No one can underestimate the importance of this task, nor its difficulty. The judges of the Tribunal are discharging their work in a manner that deserves our particular tribute.

The President of the Tribunal requested in August 1997 an increase in the number of judges, to make it possible to establish a third Chamber and to complete the trials in a reasonable time-frame. France supported that request the moment it was presented to the Council. This increase in the number of judges, foreseen by the Council when it adopted resolution 955 (1994), was, in fact, made necessary by the growing number of cases before the Tribunal.

The French delegation is pleased that the members of the Council are unanimous in their positive response to the request of the Tribunal President. We will vote in favour of the draft resolution, of which we are a sponsor. We pay tribute to the Swedish delegation for its initiative in preparing the draft resolution.

The adoption of this draft resolution will attest to the Council's determination to endow the Tribunal with the means necessary for it to continue its work for justice. Furthermore, we have every confidence that the Tribunal will pursue the efforts it has already made to improve its functioning and procedures.

The French delegation hopes that the Security Council can also respond positively to the similar request made by the President of the International Criminal Tribunal for the Former Yugoslavia for an increase in the number of that Tribunal's judges.

Mr. Karev (Russian Federation) (*interpretation from Russian*): The International Criminal Tribunal for Rwanda

is an important element of the general process of achieving national reconciliation in that country. In support of efforts to enhance its effectiveness, we welcome the request of the President of the Tribunal to create a third Trial Chamber in order to accelerate the trial process.

We also believe that, if the Tribunal is to function effectively, further measures will have to be taken to improve its procedures and methods of work and to rectify the situation with regard to the lack of administrative and technical personnel and the construction of additional facilities for the Tribunal. Such a comprehensive approach will help to overcome those obstacles that continue to prevent the Tribunal from promptly and fully fulfilling the tasks that have been entrusted to it.

In supporting the draft resolution, we believe that the reference made in it to Chapter VII of the Charter of the United Nations is a purely technical one and will not set a precedent for the Security Council's consideration of similar situations.

Mr. Touray (Gambia): The events in Rwanda in 1994 represented one of the most heinous offences against international humanitarian law. The international community responded very fittingly by establishing in the same year the International Tribunal for Rwanda to prosecute the persons responsible for those crimes. The establishment of this Tribunal was and is still a very necessary measure for the process of national reconciliation and the restoration of peace in Rwanda.

In paragraph 7 of resolution 955 (1994) of November 1994 establishing the Tribunal, the Council expressly reserved the possibility of increasing the number of Trial Chambers should this become necessary.

The International Tribunal for Rwanda has been functioning very smoothly since its inception. We now understand that 20 people are presently detained in the Detention Facility in Arusha, 14 of whom are already indicted and awaiting trial. In a letter from the President of the Tribunal dated 1 August 1997, contained in document S/1997/812 addressed to the Secretary-General, the President of the Tribunal, Judge Kama, indicated that, with the Tribunal's present capacity, it would take at least 88 months to try the incarcerated suspects. Under the present arrangement, this would mean that some of the incarcerated persons would wait longer than duly necessary for their trials. This would be a violation of the

fundamental right of the accused to be tried without undue delay.

The Government of the Gambia values the fundamental rights of the person, particularly the rights of the accused. We believe in the old adage and time-honoured maxim that justice delayed is justice denied. The earlier the accused are tried, the better. We believe that the Rwandan people have no lesser expectations. In their journey towards national reconciliation, it is imperative that these trials be concluded with reasonable dispatch so that the people of Rwanda can put their grief behind them as they move forward.

We believe that it is now necessary to increase the number of judges and to constitute a third Trial Chamber. In this way, the accused can be tried without delay and the expectations of the Rwandan people will not be disappointed. There is some economic wisdom in this move, as it would eventually result in financial saving.

My delegation would, for these reasons, support the establishment of a third Trial Chamber in Rwanda, as provided for in the draft resolution. Under the draft resolution, the election of the judges for the third Trial Chamber would be conducted together with the election of the judges for the existing two Chambers. While the mandate of the newly elected judges for the third Trial Chamber would commence soon after their election, the mandate of the judges elected for the existing Chambers would commence on the expiry of the mandate of the present holders of those offices.

This arrangement would ensure that we have only one election and also an early establishment of the third Trial Chamber. We believe that this is a very convenient and reasonable arrangement.

As the present draft resolution is to ensure no delay in the trial of the accused persons, we believe that an improvement in the working methods of the Tribunal would be helpful. We therefore urge the members of the Tribunal to reconsider their working methods with a view to enhancing them.

We believe that this draft resolution and the letter are very timely. The Gambia is pleased to be a sponsor of the draft resolution and will vote in its favour.

Ms. Soderberg (United States of America): The Security Council and the international community have followed closely the progress of the International Criminal

Tribunal for Rwanda since its inception in 1994 after the horror of genocide in that country. The challenges of bringing the perpetrators of genocide to justice, addressing the issues of impunity and contributing to reconciliation in Rwanda still loom large.

The International Tribunal for Rwanda must carry out its mission more effectively, more efficiently and more productively. The trials must be completed and judgments rendered in a timely manner. The United Nations Office of Internal Oversight Services has made extensive recommendations for reforms of the administration of the Tribunal, the practices of the Registry and the judges' Chambers. Some have been implemented. We remain deeply concerned that, despite those efforts at reform, serious problems remain. The Tribunal must continue to implement reform measures to improve its operations.

Today's draft resolution expands the International Tribunal by adding another Trial Chamber with three judges, who will be elected immediately. This expansion should enable the Tribunal to render prompt justice. Enlarging the Tribunal should not replace ongoing reform efforts, but be carried out at the same time to enable the Tribunal to perform its important work more effectively.

The effort to bring to justice those responsible for crimes against humanity is equally urgent in two other cases, those of the former Yugoslavia and Cambodia. The United States is therefore working to expand in a similar way the International Criminal Tribunal for the Former Yugoslavia and to establish a tribunal to bring to justice those who were senior Cambodian Khmer Rouge leaders during the period 1975 to 1979.

The draft resolution that we are about to consider is a reaffirmation of the international community's commitment to providing fair trials and just punishment to those who perpetrated genocidal crimes in Rwanda. The United States remains committed to holding those responsible for crimes against humanity accountable for their actions.

The President: I shall now make a statement in my capacity as representative of Japan.

The international community has been drawing many lessons from the human tragedies that took place in Rwanda in 1994. One of those lessons was that, in order to achieve national reconciliation, it was essential to deal with the root causes of the problem by addressing the

issue of social justice through the pursuit of socio-economic development, on the one hand, and through the establishment of the primacy of justice based on the principle of the rule of law, on the other. I believe that, for this very reason, the International Tribunal for Rwanda was established by the Security Council.

With this recognition clearly in mind, the Security Council decided four years ago to establish the International Tribunal for Rwanda. The Council's primary goal in doing so was to put an end to the acts of genocide and other violations of international humanitarian law that had been committed in Rwanda and to take effective measures to bring to justice the persons responsible for them. Thus, the establishment of the International Tribunal was meant to contribute to the restoration of peace in Rwanda and to the process of national reconciliation in that country.

My delegation believes that the motives and goals which underlay the Council's action in 1994 remain unchanged to this day. Concerned by reports that standard judicial procedures have not necessarily been observed in Rwanda, we in the Council today feel more strongly than ever that the Tribunal must provide a model mechanism for bringing criminals to justice.

The International Tribunal for Rwanda was created to function primarily as a judicial mechanism. However, in the opinion of my delegation, the significance of the Tribunal goes beyond its being just a judicial mechanism. Through its examples, the Tribunal can show how a judicial system should function under the rule of law, assuring due process even to those accused of committing the most heinous of crimes. Through its own practice, the Tribunal can demonstrate to the Rwandan people that emotional acts of revenge and retribution will only feed further destructive enmities. Peace can persevere only if it is accompanied by justice, based on the rule of law and the respect for the human rights of all.

Recognizing these significant roles and functions expected of the International Tribunal for Rwanda, Japan is going to vote in favour of the draft resolution before us. My delegation hopes that the adoption of this draft resolution will help the Tribunal fulfil those tasks by enhancing the capacity of the Tribunal.

We must frankly admit that during the three and a half years of its existence the Tribunal has not always been successful in performing the functions expected of it in an exemplary manner. There are problems of an

administrative and managerial nature that have been adversely affecting its effective functioning. While I understand that there are many difficulties in the environment in which the Tribunal has had to operate, and while I also note that some serious efforts are being made in order to overcome its inefficiencies, I am of the view that the Tribunal itself must make further sincere efforts to remedy the present situation. Simply creating the third Trial Chamber will not be enough to cure the Tribunal of its present deficiencies and to restore its full potential. It is with this consideration in mind that Japan strongly feels that the letter from the President of the Security Council to the President of the Tribunal pointing to the need to facilitate the efficient functioning of the Tribunal should be part and parcel of the decision of the Security Council to authorize the expansion of the Tribunal.

In conclusion, I should like to express the ardent hope of my delegation that with the addition of a third Trial Chamber the International Tribunal for Rwanda will be able to function more effectively in such a way that the expectations of the international community will be met to the full.

I now resume my functions as President of the Security Council.

I shall now put to the vote the draft resolution contained in document S/1998/353.

A vote was taken by show of hands.

In favour:

Bahrain, Brazil, China, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1165 (1998).

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.35 p.m.



Security Council

Fifty-third Year

3878th Meeting

Wednesday, 13 May 1998, 12.25 p.m.

New York

Provisional

President:	Mr. Mahugu	(Kenya)
Members:	Bahrain	Mr. Al-Dosari
	Brazil	Mr. Valle
	China	Mr. Shen Guofang
	Costa Rica	Mr. Sáenz-Biolley
	France	Mr. Dejammet
	Gabon	Ms. Onanga
	Gambia	Mr. Touray
	Japan	Mr. Konishi
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Karev
	Slovenia	Mr. Türk
	Sweden	Mr. Dahlgren
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Richardson

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia



The meeting was called to order at 12.25 p.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of May, I should like to take this opportunity to pay tribute, on behalf of the Council, to Mr. Hisashi Owada, Permanent Representative of Japan to the United Nations, for his service as President of the Security Council for the month of April 1998. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Owada for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1998/386, which contains the text of a draft resolution submitted by Costa Rica, France, Japan, Kenya, Portugal, Slovenia, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I should like to draw the attention of the members of the Council to document S/1998/376, which contains the text of a letter dated 5 May 1998 from the Secretary-General addressed to the President of the Security Council, transmitting a letter dated 16 April 1998 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General.

Sir John Weston (United Kingdom): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia — and the associated country Cyprus, as well as the European Free Trade Association countries members of the European Economic Area — Iceland and Norway — align themselves with this statement.

The European Union wishes to reaffirm once again its strong support for the International Tribunal for the Former Yugoslavia and its admiration for the achievements of that Tribunal since it was established under Security Council resolution 827 (1993). The important mandate entrusted to the Tribunal by this Council is to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991. This mandate is vital not only to avoid the possibility of the perpetrators of these crimes enjoying impunity, but also to ensure the full implementation of the Dayton Accords and thus support a peaceful resolution of the situation in the former Yugoslavia as a whole.

The European Union notes with satisfaction that the work of the International Tribunal has recently intensified. One trial has been completed, subject to appeal, and in another the accused has pleaded guilty and been sentenced to five years' imprisonment. Four other cases are ongoing. Sixty individuals are currently under indictment by the Tribunal, 26 of whom are in its custody. At the same time, we note with concern that compliance by the States in the region with their obligations under resolution 827 (1993) and article 29 of the Statute of the Tribunal to cooperate fully with the International Tribunal remains uneven. The European Union calls upon all States and entities in the region to fulfil their obligations to cooperate with the Tribunal.

Given the increase in the Tribunal's workload, it is no surprise that the existing judicial resources of the Tribunal are under heavy pressure. While the Statute of the Tribunal does guarantee all those appearing before it a fair and expeditious trial, it is nevertheless the case that some of those persons who are in custody have been awaiting trial for a long period of time. The addition of a third Trial Chamber of the International Tribunal, which has been requested by the President of the Tribunal, will enable the backlog of cases before the Tribunal to be dealt with more efficiently. The European Union is therefore in favour of the establishment of the third Trial Chamber in accordance with the draft resolution before the Security Council today.

The European Union also supports the request made to the Secretary-General in this draft resolution to enhance further the effective functioning of the International Tribunal, in particular by the timely provision of personnel and facilities. In this context, the European Union is pleased to recall that a second

courtroom has recently been opened for the holding of trials and that a third courtroom is expected to be completed in the near future. We reaffirm once again that it is essential that the Tribunal be given adequate resources to carry out its mandate effectively and that personnel of the Tribunal be managed efficiently. The European Union and its member States have made voluntary contributions to assist the Tribunal in fulfilling its functions. We express the hope that the Tribunal will continue to be provided with the necessary financial support, not least through the payment of annual contributions promptly and in full.

Finally, I would like to emphasize that the decision to increase the number of Trial Chambers of the International Tribunal, together with the decision taken by the Council last month in resolution 1165 (1998) to increase the number of Trial Chambers for the Rwanda Tribunal, both point to the broader concern of the international community that persons who commit serious offences, such as war crimes, be brought to justice. In this context, the European Union wishes to emphasize its strong support for the establishment of the international criminal court at the Diplomatic Conference to be held in Rome in June and July this year. The European Union firmly believes that the establishment of such a court is necessary in order to provide a permanent mechanism to bring to justice those who commit the most serious crimes of international concern and to deter the commission of such crimes in the future.

The President: It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

Mr. Sáenz Ballester (Costa Rica) (*interpretation from Spanish*): On 25 May this year, five years will have elapsed since this Council established the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. Those years have marked a historic era for the international administration of justice. In that time, the Tribunal's administration has been consolidated, its rules of procedure have been drafted and a small but significant number of cases has been heard. The Tribunal's work has been of surpassing importance for the development of international

humanitarian and human rights law. The Tribunal's jurisprudence has become an authoritative interpretation of international customary law and promoted the progressive development of that law in those areas where gaps or imprecisions remain.

We note with particular satisfaction the progress made, both in practice and in the rules of procedure, with regard to the protection of victims and witnesses as well as the correct interpretation, characterization and categorization of crimes against women and girls.

Moreover, my delegation believes that the very existence of the Tribunal has given the requisite impetus to the establishment of an international criminal court. In this context, we cannot fail to reiterate Costa Rica's firm commitment to the establishment of a permanent, independent, impartial and effective international criminal court at the Conference of Plenipotentiaries to be held in Rome in June and July this year. We are firmly convinced that solely through the creation of such a court can the international community definitively and truly reject and condemn the most serious crimes that offend the world's conscience. In contrast with this future court, the special tribunals created by the Security Council are merely temporary and transitional palliatives with roles confined to addressing emergency situations that pose real threats to international peace and security.

As my delegation has repeatedly indicated, we consider that justice is an indispensable element of peace. We believe that there can be no reconciliation if the truth is not brought to light and that a free and democratic society cannot be built while the criminal perpetrators of the most horrible atrocities go unpunished. We are convinced that impunity is a threat to peace, since it incites victims to revenge and strengthens the aggressors' arrogance. That is why we believe that the existence of this Tribunal is an indispensable element of the Balkan peace process.

In this context, the lack of cooperation with the Tribunal of some Governments, local authorities and international entities, in violation of their international obligations, is scandalous. The authorities of the Republika Srpska, the Federation of Bosnia and Herzegovina and the Federal Republic of Yugoslavia must comply with their international obligations. It is indispensable that the authorities of these entities arrest and extradite to the Tribunal the accused found on their territories. These arrests can no longer be postponed. It is also indispensable for these authorities to help in the

collection of evidence and to facilitate the participation of witnesses.

These authorities must also bring to justice all the possible perpetrators of crimes not being prosecuted by the International Tribunal. We must not forget that the International Tribunal's existence does not exempt them from their primary obligation to administer justice and punish those found guilty.

Another problem is the Tribunal's financial situation and lack of personnel. There is no doubt that the Tribunal requires greater resources and more staff of its own. The United Nations financial authorities and our own delegations in the Fifth Committee will have to make greater efforts to guarantee the Tribunal the necessary resources.

For all those reasons, Costa Rica cannot fail to respond favourably to the request made to the Security Council by the Tribunal, through its President, Judge Gabrielle Kirk McDonald, that a third trial chamber be established in order to try promptly all the accused now in custody. A basic requirement of the proper administration of justice is that it be speedy. In that connection, the decision the Council will take today is intended simply to guarantee full respect for the fundamental rights of the accused. We have therefore joined in sponsoring the draft resolution, and will vote in favour of it.

Mr. Monteiro (Portugal): My delegation associates itself fully with the statement delivered by the representative of the United Kingdom on behalf of the European Union.

As a sponsor of the draft resolution before the Council today, Portugal reaffirms its full support for the International Tribunal for the Former Yugoslavia. The Tribunal plays a crucial role in the significant efforts that the international community is making to help peace take root in the former Yugoslavia. In Bosnia today, it is the Stabilization Force (SFOR) that ensures a secure environment for the implementation of the Peace Agreement. Portugal continues to field troops in that Force.

But the mere absence of war does not make peace. In paving the way towards the reconstruction and rehabilitation of Bosnia, the High Representative is responsible for overseeing the implementation of the civilian aspects of the Peace Agreement, in which the United Nations Mission in Bosnia and Herzegovina and,

particularly, the United Nations International Police Task Force, play a crucial role. There too, Portugal has police observers on the ground.

However, this long process of peace-building must also be based on reconciliation among the various communities. This is where the Tribunal comes into play. In seeking to prosecute, try and convict war criminals, the international community, through the Tribunal, is laying a foundation of justice which in turn will foment trust and hope in Bosnia and elsewhere in the former Yugoslavia, where former neighbours became enemies, and where former enemies must now become neighbours once more.

For this entire process to be effective, the Tribunal must be given the necessary means to function, and this is the reason for today's draft resolution. Through the Secretary-General, the President of the Tribunal, Judge Gabrielle Kirk McDonald, has requested that the Security Council establish a third trial chamber. This would be decided in the draft resolution before us. We strongly support these additional resources for the Tribunal. Portugal is honoured to have a judge serving on the Tribunal.

Security Council resolutions demand that States fully cooperate with the Tribunal in the fulfilment of its mandate. We strongly support the appeals to that end.

Finally, I would like to say that the important work of this Tribunal and of the International Tribunal for Rwanda points ever more emphatically to the need for a permanent court to bring the perpetrators of war crimes and other serious international crimes to justice. Portugal will strongly support the establishment of an international criminal court this summer at Rome.

Mr. Konishi (Japan): I should like at the outset to express the sincere appreciation of my delegation to you, Sir, for the kind words you conveyed to Ambassador Owada in his capacity as the previous President of the Security Council.

My delegation will vote in favour of the draft resolution before us, which would decide to establish a third trial chamber of the International Tribunal for the Former Yugoslavia and would decide also that three additional judges should be elected.

My delegation believes that the prosecution of persons responsible for serious violations of international

humanitarian law committed in the territory of the former Yugoslavia is a prerequisite for true reconciliation among the ethnic groups and for the restoration and maintenance of peace in the former Yugoslavia.

At the same time, we are aware that the constantly increasing workload of the Tribunal, particularly in the last several months, has made it difficult for the Tribunal to conduct its important tasks effectively. This problem creates difficulties in bringing to justice without delay those responsible for the tragedy and the atrocities which took place in the former Yugoslavia, and also in ensuring that the accused will have fair and expeditious trials.

My delegation is convinced that the trial chamber and judges to be added by the terms of the draft resolution, together with additional efforts by the Tribunal to improve the effectiveness of its functioning, will contribute to resolving these difficulties.

Finally, my delegation wishes, on behalf of the Government of Japan, to pay high tribute to the significant and diligent work of the Tribunal so far, and to stress the importance of full cooperation by all States with the Tribunal in accordance with their obligations under the relevant resolution.

The President: I thank the representative of Japan for the kind words he addressed to me.

Mr. Dahlgren (Sweden): Let me first say that I concur with the statement made earlier by the representative of the United Kingdom on behalf of the European Union.

The wars in the former Yugoslavia were marked by horrendous crimes against international humanitarian law, often committed in the name of that repulsive policy, "ethnic cleansing". Crimes such as mass killings, the systematic rape of women and detention under horrible circumstances constitute a threat to international peace and security. To prevent them from recurring, in the Balkans or elsewhere, the persons responsible must be brought to justice. The establishment in 1993 of the International Tribunal for the Former Yugoslavia was an important indication of the international community's determination to put an end to such crimes.

The work of the International Tribunal is also a crucial element in the broader peace-implementation and reconciliation process in the former Yugoslavia, in both the short-term and the long-term perspectives. Impunity breeds

continued hate and mistrust. Rendering transparent justice brings clarity and hope for future generations, and that is why all indicted war criminals must be brought to The Hague.

These are the main reasons for Sweden's strong support over the years for the work of the Tribunal, both politically and in substance.

Today, we are very pleased to see that the work of the Tribunal has intensified. The recent increase in the number of indictees taken into custody has been most welcome. But we must also be prepared to adapt the resources of the Tribunal accordingly, so that the indictees can be tried without undue delay. It has become clear that the caseload has reached a point where we need to increase the judicial resources of the Tribunal.

Today's decision will confirm the strong support in the Council for the work and role of the International Tribunal. Having chaired the working group dealing with the ad hoc tribunals, Sweden is particularly gratified that the Council will be able to give a positive response today to the request from the Tribunal. By adding a third trial chamber, we will make it possible for the backlog of cases to be dealt with more expeditiously and the resources of the Tribunal, including the new courtrooms, to be used more effectively.

In closing, I would like to stress that today's decision, along with the similar decision the Council took last month concerning the Rwanda Tribunal, also highlights the need for a permanent international criminal court, to bring to justice any future crimes of this nature. At the Diplomatic Conference in Rome this summer, we must not hesitate to take the historic step of establishing such a court.

Mr. Richardson (United States of America): In approving this draft resolution to amend the statute the International Tribunal for the Former Yugoslavia, the Council will again reaffirm its commitment to holding accountable the perpetrators of the terrible ethnic crimes witnessed during the conflict in the former Yugoslavia. This is a commitment the United States has backed with words and deeds since the International Tribunal for the Former Yugoslavia was established over five years ago.

We would like to express our appreciation to the Swedish delegation for their leadership in the consideration of this draft resolution.

We are particularly pleased to support this draft resolution because it is an affirmation of the important work already completed by the Tribunal and of the still daunting task at hand. Increasing the Tribunal's capacity to try cases confirms its success thus far. In the past year, the Tribunal has seen a dramatic increase in the number of persons in custody. That many of these have recently chosen to surrender voluntarily indicates the growing realization that justice cannot be avoided.

But despite the efforts of the international community, and particularly the efforts of the International Tribunal itself, a number of the most notorious indictees of the Tribunal remain at large. We call upon all States to enhance their cooperation with the Tribunal to ensure that all indictees are brought to justice as swiftly as possible. Those indictees not yet in custody must understand that there is no safe haven for them. That they will be held accountable is a foregone conclusion. The only question is when.

The United States commends the work of the Tribunal and its efforts to function as efficiently and effectively as possible.

Having created a new trial chamber, the international community cannot assume that all the needs of the International Tribunal have been met. The Tribunal's increased workload will intensify the demand for additional resources beyond those available through the Tribunal's budget. We strongly urge all States to make voluntary contributions to the trust fund established for the Tribunal. This Tribunal was established because we all believe in the principle of accountability. We must now help the Tribunal complete its mission.

Last month, the Council took an important step in the quest for justice by expanding the International Criminal Tribunal for Rwanda. Today, we take another such step. My Government hopes the Council will also, in that same spirit, work constructively on the important issue of establishing a tribunal to bring to justice senior Cambodian Khmer Rouge leaders during the period 1975 through 1979.

Mr. Türk (Slovenia): I wish to begin by expressing the support of our delegation for the statement made at the beginning of this discussion by the representative of the United Kingdom on behalf of the European Union and associated countries.

The Security Council has, in resolution 827 (1993), entrusted the Tribunal for the Former Yugoslavia with a historic mandate to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991.

In the nearly four and a half years of its existence, the Tribunal has established admirable credibility as an independent court. Furthermore, it has proved to be an important international judicial institution whose proper functioning is vital for the implementation of the Dayton peace accords. Any kind of hindrance of the Tribunal's statutory functions would have negative effects on the endeavours of the Security Council and the international community in building substantive grounds for a lasting peace in Bosnia and Herzegovina and on security in the region. The International Tribunal for the Former Yugoslavia can therefore not afford to fail in its mission.

In addition to its immediate purpose, the Tribunal also has a significant symbolic role of global importance. The Tribunal symbolizes the end of the culture of impunity and marks the advent of peace with justice rather than mere appeasement. This is a valid contribution of the Tribunal to the strengthening of real peace.

Moreover, the Tribunal for the Former Yugoslavia is playing a pioneering role and, jointly with the International Criminal Tribunal for Rwanda, is setting important precedents in international criminal jurisprudence. Its existence has underscored the need for the creation of a permanent international mechanism to address human rights and humanitarian law violations. In this context, let me emphasize Slovenia's strong commitment to the establishment of an independent, impartial and effective permanent international criminal court at the Diplomatic Conference to be held in Rome in June and July of this year.

It is our conviction that the Tribunal for the Former Yugoslavia should be given all the necessary resources to efficiently deliver justice. We further believe that the accused persons in custody are entitled to be tried without unnecessary delays, in accordance with the internationally accepted standards of due process.

We are pleased to see that there has been significant progress in improving the procedures of the Tribunal. We have confidence in the ability of the Tribunal to continue managing its work efficiently so as to ensure optimal use

of all its resources. The request by the Tribunal for additional judges, which was presented to the Security Council by its President, Judge Gabrielle Kirk McDonald, in February this year, is valid, especially since the workload of the Tribunal has recently intensified.

Despite the increased number of persons in custody, my delegation is compelled to express its serious concern at the fact that the most prominent military and political leaders who have been indicted remain at large. It is imperative that they be brought to justice. This is an important condition for lasting peace in Bosnia and Herzegovina.

The creation of a third trial chamber, which is the object of the draft resolution before the Council today, is timely. It will ensure full utilization of the three courtrooms and will, as a final result, expedite the Tribunal's work.

We note with satisfaction that the members of the Council are unanimous in their positive response to the request of the President of the Tribunal. We would like to take this opportunity to express our appreciation to the delegation of Sweden for its leading role in the preparation of the draft resolution. For our part, we will continue to do our utmost for justice, reconciliation and peace in the region. Full support for the Tribunal is one of the means to achieve that goal. Slovenia will therefore vote in favour of the draft resolution, of which we are a sponsor.

Mr. Valle (Brazil): Some 15 days ago the Security Council adopted resolution 1165 (1998) authorizing the creation of an additional Trial Chamber for the International Criminal Tribunal for Rwanda. It is with the same spirit that prevailed then that Brazil supports the idea of an additional trial chamber for the International Tribunal for the Former Yugoslavia to bring to justice those responsible for serious violations of international humanitarian law and thus contribute to the restoration and maintenance of peace in the subregion.

Indeed, we must not forget that those indicted by the Tribunal have been charged with extremely serious crimes, and that unless the Tribunal is given appropriate working conditions it will not be able to satisfactorily fulfil the mandate ascribed to it by the Security Council.

It is also true, however, that the financial implications of the decision we are about to take are not entirely clear. Therefore Brazil's support for the creation of a third trial chamber should not be construed as approval of any

amount of additional resources for the Tribunal. We should consider the financial issue in the appropriate forum, taking into account the specific demands of the Tribunal for the Former Yugoslavia as well as the need to dispense equitable treatment to both ad hoc Tribunals.

Brazil has supported the creation of the ad hoc Tribunals as an exceptional action on the part of the United Nations and of Member States in the face of the exceptionally grave circumstances that demanded their creation. Since then, the United Nations and the international community as a whole have put forward a strong effort to make sure that atrocities such as the ones we have witnessed in the former Yugoslavia and in Rwanda will not go unpunished.

Weeks away from the Rome Conference on the Establishment of an International Criminal Court, we believe that we must concentrate our efforts on the creation of a permanent institutional mechanism of administration of justice that is independent, impartial and efficient. Thus, it is our understanding that with the establishment of the International Criminal Court there will be no more need for the United Nations to resort to ad hoc tribunals.

Mr. Dejammet (France) (*interpretation from French*): The Security Council, in resolutions 808 (1993) and 827 (1993), entrusted the International Criminal Tribunal for the Former Yugoslavia with the task of trying persons charged with serious violations of international humanitarian law committed in the territory of the former Yugoslavia from 1 January 1991. The members of the Tribunal have carried out that task in a manner that we greatly admire and that justifies our support of them.

Last January the President of the Tribunal requested an increase in the number of judges so that a third Trial Chamber could be established and trials could be carried out within a reasonable time. France supported this request as soon as it was submitted to the Security Council. The increase in the number of judges had indeed become necessary because of the growing number of cases submitted to the Tribunal.

France is pleased that, following the adoption of resolution 1165 (1998), which increased the number of judges for the International Tribunal for Rwanda, there has also been unanimity among the members of the Council with regard to responding affirmatively to the request made by the President of the Tribunal for the

Former Yugoslavia. We shall vote in favour of the draft resolution.

The adoption of the draft resolution will show the Council's resolve to give the Tribunal the resources it needs so that it can continue its work for justice. We welcome the efforts made to enhance its functioning and its procedures. We are confident that it will continue along this track.

Mr. Karev (Russian Federation) (*interpretation from Russian*): My delegation attaches great importance to the International Tribunal for the Former Yugoslavia, whose activities we believe to be contributing to general efforts to restore peace in the region. Given the need to enhance the effectiveness of the work of the Tribunal, our delegation supports the request made by the President of the International Tribunal for the establishment of a third Trial Chamber. We trust that this will expedite the activities of the Tribunal in carrying out the tasks assigned to it.

We understand that the reference in the draft resolution to Chapter VII of the Charter is purely a technicality and will not set a precedent for the Security Council's consideration of any similar situation.

Ms. Onanga (Gabon) (*interpretation from French*): The serious human rights violations in the former Yugoslavia in 1991 called for a response from the international community, and in particular the United Nations. Thus five years ago, on 25 May 1993, Security Council resolution 827 (1993) provided for the establishment of an international Tribunal to try persons presumed to be responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia. Gabon reaffirms its full support for this special Tribunal.

In his letter of 5 May 1998, the Secretary-General, referring to the letter of 16 April 1998 from the President of the Tribunal, asked for a third Trial Chamber to be established. This request is justified by the fact that the capacities of the two existing Trial Chambers are limited and at saturation point because of the very great increase in the number of persons charged and held. The decision to increase the number of Trial Chambers of the Tribunal for the Former Yugoslavia will make it possible to improve the functioning of the Tribunal, particularly its capacity to try cases.

The Council will recall that two weeks ago, through resolution 1165 (1998) of 30 April 1998, it decided, for

similar reasons, to create a third Trial Chamber for the International Tribunal for Rwanda.

For all these reasons, the delegation of Gabon can only vote in favour of the draft resolution before us.

Mr. Al-Dosari (Bahrain) (*interpretation from Arabic*): At the outset, I should like to express my sincerest thanks and appreciation to the delegations of Sweden and the United States of America for their efforts in preparing the draft resolution before us, which has the support of all members of the Security Council. We should also like to commend the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia for its important work, and to pay tribute to the President of the Tribunal, Mrs. Gabrielle Kirk McDonald.

The meeting last 12 February between members of the Security Council and the President of the Tribunal provided an important opportunity for learning about the concerns of the Tribunal and the situations with which it has to deal. In this connection, we hope that the draft resolution before us has met all of these concerns, and we hope that it will contribute to moving the work of the Tribunal forward so that it can fulfil its mandate and its tasks as soon as possible.

My delegation urges the various parties in the territory of the former Yugoslavia to cooperate fully with the International Tribunal. In this respect, we should like to express our great satisfaction with regard to the progress achieved in the past few months and the increase in the number of people who have surrendered voluntarily to the Tribunal either individually or through various bodies and international institutions. The Security Council's adoption of this draft resolution today will enable us to have high hopes for the efforts of the Tribunal, which we expect will greatly improve over the coming months.

We believe that all those who are responsible for crimes of ethnic genocide and other serious violations of international humanitarian law in the former Yugoslavia should receive just retribution for their crimes. My delegation supports this draft resolution and will vote in favour of it. We hope that its adoption will promote the work and increase the effectiveness of the International Tribunal.

Mr. Touray (Gambia): In 1991 the former Yugoslavia witnessed one of the most horrendous offences against international humanitarian law, to which the international community, through the Security Council, responded very fittingly by establishing in 1993 the International Criminal Tribunal for the Former Yugoslavia to prosecute the persons responsible for those crimes. The establishment of the Tribunal was and still is a necessary measure for the process of national reconciliation and the restoration of peace in the former Yugoslavia.

The International Criminal Tribunal for the Former Yugoslavia currently has on its case list 29 accused persons awaiting trial. This dramatic increase in the number of accused persons has rendered the Tribunal unable to expeditiously conclude the trials of all the accused persons.

We also understand that there are 54 public indictees who are not in custody. If all these people are to be brought to trial, it is obvious that the Tribunal cannot, under its existing arrangements, expeditiously conclude all the trials.

We believe that the Tribunal needs additional judicial support in the form of a third Trial Chamber. The report of the President of the Tribunal makes a very compelling case for the establishment of a third Trial Chamber. We agree with the assessment of the situation.

One important issue for consideration is that the matter impinges on the right of the accused person to be tried expeditiously, as guaranteed by the Statute of the Tribunal. If a third Trial Chamber is not established, this fundamental right will be violated. For these reasons, we support the establishment of a third Trial Chamber.

We note with satisfaction the successes registered by the Tribunal in improving its working procedures. We believe, however, that more could still be done in this regard, and we thus urge the members to reconsider their working procedures with a view to enhancing them further.

The Government of the Gambia has a very strong commitment to the protection of fundamental rights. Thus, we will always support legitimate measures that have as their objective the protection of fundamental human rights. This draft resolution falls within this category. The Gambia will vote in favour of it.

Mr. Shen Guofang (China) (interpretation from Chinese): China has always attached great importance to humanitarian questions in the territory of the former

Yugoslavia, and it always opposes actions violating international humanitarian law. On the basis of this political consideration, China voted in favour of Security Council resolution 827 (1993) on the establishment of the International Criminal Tribunal for the Former Yugoslavia.

We note that, since its establishment, the Tribunal, thanks to the cooperation of all sides concerned, has made earnest efforts and certain achievements. In particular, recently all sides concerned have been cooperating even more actively with the Tribunal. We encourage the continuation of this cooperation so that the Tribunal can complete its work as early as possible, in accordance with the provisions of the Council resolution.

We appreciate the efforts made by the Tribunal to improve its efficiency, and we understand the difficulties it faces. We hope that the decision to be taken by the Security Council today will help speed up the work of the Tribunal. In view of the current requests and needs of the Tribunal and of the requests of all sides concerned, China will vote in favour of the draft resolution before us.

However, we wish to express our reservation about invoking Chapter VII of the Charter in the draft resolution. When the Security Council was adopting resolution 827 (1993) we expressed a similar reservation. Over the last five years the situation in the territory of the former Yugoslavia has undergone tremendous changes. This makes it even less appropriate to invoke Chapter VII now.

The President: I shall now make a statement in my capacity as the representative of Kenya.

On 30 April 1998, when the Council took a decision on the Rwanda Tribunal similar to the one now before us for consideration, my delegation underscored the primary goal of the two ad hoc Tribunals established by the Security Council to bring peace and reconciliation through justice. The cause of justice, however, cannot be served unless the Tribunals and their organs are provided with the necessary tools to enable them not only to fulfil their mandates but also to function in an effective and efficient manner.

The guarantee of fair and expeditious trials is paramount, and it is for this reason that we welcome and support the proposed decision to establish the third Trial Chamber of the International Tribunal for the Former Yugoslavia. We thank those Member States that have

helped the Tribunal overcome some of its difficulties by financing the building of additional court facilities. We hope that these facilities will be fully utilized in order to ensure the speedy conclusion of the pending trials.

The draft resolution urges all States to cooperate fully with the International Tribunal and its organs in bringing to justice all persons suspected of having committed heinous crimes in the former territories of Yugoslavia. As new evidence of gross human rights abuses perpetrated against the civilian population in Bosnia and elsewhere in the region continues to emerge, we appeal to those concerned to take appropriate steps to ensure that those who have been indicted for the war crimes and are still at large are apprehended and brought to trial.

In conclusion, I wish to thank the delegation of Sweden for once again coordinating work on the draft resolution, to which we are proud to render our support.

I now resume my functions as President of the Council.

I shall now put to the vote the draft resolution contained in document S/1998/386.

A vote was taken by show of hands.

In favour:

Bahrain, Brazil, China, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1166 (1998).

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.15 p.m.



Security Council

Fifty-third Year

3879th Meeting

Thursday, 14 May 1998, 11.40 a.m.

New York

Provisional

<i>President:</i>	Mr. Mahugu	(Kenya)
<i>Members:</i>	Bahrain	Mr. Al-Dosari
	Brazil	Mr. Valle
	China	Mr. Shen Guofang
	Costa Rica	Mr. Sáenz-Biolley
	France	Mr. Dejammet
	Gabon	Mr. Dangué Réwaka
	Gambia	Mr. Touray
	Japan	Mr. Konishi
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	Sweden	Mr. Dahlgren
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Richardson

Agenda

The situation in Tajikistan and along the Tajik-Afghan border

Report of the Secretary-General on the situation in Tajikistan (S/1998/374)



The meeting was called to order at 11.40 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Tajikistan and along the Tajik-Afghan border

Report of the Secretary-General on the situation in Tajikistan (S/1998/374)

The President: I should like to inform the Council that I have received a letter from the representative of Tajikistan, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Alimov (Tajikistan) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation in Tajikistan, document S/1998/374.

Members of the Council also have before them document S/1998/390, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

I should like to draw the attention of the members of the Council to document S/1998/367, which contains the text of a letter dated 1 May 1998 from the Permanent Representative of Tajikistan addressed to the Secretary-General.

The first speaker on my list is the representative of Tajikistan, to whom I give the floor.

Mr. Alimov (Tajikistan) (interpretation from Russian): At the outset, Mr. President, allow me to express our

gratitude to you for guiding the work of the Security Council during the month of May and to wish you success in carrying out this extremely important and significant task.

Today's meeting of the Security Council, which is devoted to the consideration of the question of the extension of the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) for an additional six-month period in accordance with the recommendation of the Secretary-General, is extremely important for the intensification of the peace process in the Republic of Tajikistan.

It is a great honour for me to express, on behalf of the President of the Republic of Tajikistan, Emomali Rakhmonov, our profound gratitude to the Security Council and the Secretary-General for their unflagging attention to the problems related to an inter-Tajik settlement and for their solidarity with the Tajik people in such a difficult period of post-conflict reconstruction.

The conclusions of the Secretary-General regarding the need for comprehensive international support for the peace process and for the provision of financial assistance to Tajikistan to achieve the goals of reform and development inspire the hope that the United Nations and its specialized agencies will continue to make their important contribution to the stabilization of the situation in the country and will energetically and consistently promote the rehabilitation of the economy and the social sphere in Tajikistan. We are counting on positive results from the meeting of the Consultative Group of donor States, to be convened next week in Paris by the World Bank, which will play a significant role in strengthening the peace process and the stable economic development of Tajikistan.

The assistance of the international community to the efforts of the Government of Tajikistan aimed at a further stabilization of the situation and the continued progress of the country towards peace and national accord is particularly important at this time, when embers of mistrust still glow in the ashes of the civil conflict — embers that ignited flames of tension in March and April of this year, resulting once again in the loss of human life.

The Government of Tajikistan has expressed its profound concern at these local conflicts, which were initiated by individual field commanders of the United Tajik Opposition. We fully agree with the assessment of

these events given earlier by the Security Council and by the Secretary-General.

It is no secret that the recent incidents and armed clashes were initiated by people whose natural environment is lawlessness and chaos. They clearly represent the death throes of those few forces that have not yet freed themselves from the illusion that they can undermine the implementation of the Moscow agreements and drag the long-suffering people of Tajikistan into a new spiral of a fratricidal war. The President of Tajikistan, Emomali Rakhmonov, is firm in his position that there is no reasonable alternative to the peace agreement, that progress towards national accord is irreversible, and that the Government of the country is unswerving in its dedication to the cause of moving the peace process forward.

We value highly the contribution that is being made to the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan by the States and international organizations that form the Contact Group of guarantors. We note the stabilizing role of the Collective Peacekeeping Forces of the Commonwealth of Independent States in Tajikistan.

The Government of Tajikistan expresses its sincere gratitude to the donor States and to all the agencies and non-governmental organizations that supplement the humanitarian efforts of the United Nations as well as its rehabilitation and development activities. This assistance is extremely important and urgent now, as unprecedented heavy rains and destructive landslides have killed dozens of people, left hundreds homeless and done enormous material damage to the national economy and to the social infrastructure. The immediate losses from the natural disaster are assessed at \$24 million.

It has been nearly a year since the General Agreement on the Establishment of Peace and National Accord in Tajikistan was signed in Moscow, putting an end to the bloody civil conflict and opening the way to building a new and peaceful life. Much has changed over that period of time.

Despite the fact that the implementation of key agreements on military issues has been unjustifiably delayed, thus holding back the progress of the entire peace process, that process is moving forward, albeit slowly, at a steady pace. In this respect a significant role is being played by the United Nations Mission of Observers in Tajikistan, with which my Government is maintaining the closest contacts.

We value highly the work of the Special Representative of the Secretary-General for Tajikistan, Mr. Gerd Dietrich Merrem, who is soon to retire. His personal efforts made a significant contribution to the breakthrough in the inter-Tajik settlement and to the signing on 27 June 1997 in Moscow of the General Agreement.

The Government of Tajikistan is ready to continue constructively to cooperate with the United Nations Mission of Observers in Tajikistan, whose personnel is rendering effective assistance and support in the implementation of the peace agreements.

Tajikistan is firmly convinced that there is no reasonable alternative to national accord. Based on the positive forces in its society and with the assistance of the international community, the Guarantor States and all of the friends of Tajikistan, the Government will do all that is necessary to ensure that an atmosphere of confidence, peace and stability reigns throughout the country.

The President: I thank the representative of Tajikistan for the kind words he addressed to me.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The draft resolution that the Security Council is to adopt today reaffirms its vigorous and comprehensive support for the people of Tajikistan on their difficult path to peace and national reconciliation. We note with satisfaction that the peace process in Tajikistan has moved forward after the signing in Moscow on 27 June 1997 of the General Agreement on the Establishment of Peace and National Accord in Tajikistan.

At the same time, despite the agreed timetable, there are significant delays in the implementation of key elements of the inter-Tajik agreement, particularly as regards problems of reintegration, disarmament and the disbanding of the armed units of the United Tajik Opposition. The delays in the implementation of the

Protocol on military issues have led to an unjustified shift in emphasis and a break in the sequence of steps in the implementation of the General Agreement, with major emphasis being placed on political aspects to the detriment of the resolution of military issues.

Such an imbalance contradicts the logic of the complex peace process and has become the major reason for the dangerous complications in the situation in a number of regions in Tajikistan. We draw the attention of the parties to the provisions in the draft resolution before the Security Council today that reflect the need for a balanced approach to the implementation of the General Agreement.

The outbreak of tensions in Dushanbe and Kofarnikhon in March and April this year, which led to numerous casualties, demonstrated how fragile peace still is in the country. Russia fully shares the well-known assessments of these events made by the Security Council, the Secretary-General and the Contact Group of Guarantor States.

Russian leaders and the Secretary-General discussed in detail the problems of a settlement in Tajikistan during the Secretary-General's recent visit to Moscow. The unanimous view was expressed that there is no reasonable alternative to the Moscow agreements: only the unconditional and timely implementation of all the commitments undertaken can lead to a solid national agreement in that country. The draft resolution also calls for this.

We note that the views expressed by the members of the Security Council and the Secretary-General are identical regarding the need for comprehensive international support for the peace process in Tajikistan. In this respect, an important role is being played by the United Nations Mission of Observers in Tajikistan (UNMOT) and by the Contact Group. We also believe that the Joint Consultative Group meeting of donors being organized by the World Bank in Paris on 20 May must demonstrate the international community's solidarity with the Tajik people during this very difficult period and should promote the stabilization and economic rebirth of Tajikistan.

We express our highest appreciation for the efforts of the Secretary-General's Special Representative for Tajikistan, Mr. Gerd Dietrich Merrem, who, unfortunately, will soon be retiring. We hope that the Secretary-General's new Special Representative for Tajikistan will be a worthy successor to Mr. Merrem.

We support the Secretary-General's intention to conclude the deployment of UNMOT and to reduce its personnel to the level authorized by the Security Council. We are confident that the Government of Tajikistan and the United Tajik Opposition will carry out their commitments to ensure the security of United Nations personnel. We are satisfied with the excellent cooperation between UNMOT and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS). We reaffirm the readiness of the CIS peacekeepers to continue to provide assistance in resolving issues with regard to the security of the United Nations military observers, and to resolve with the leadership of UNMOT specific issues for taking measures in this respect. We believe that the potential of the Collective Peacekeeping Forces could be more effectively used to assist in the implementation of the General Agreement in accordance with their mandate.

Russia, together with the United Nations, the Organization for Security and Cooperation in Europe, the Organization of the Islamic Conference and the member States of the Contact Group, will in the future continue to do all that is necessary to prevent the implementation of the Moscow agreements from being thwarted and to promote the stabilization of the situation and the steady progress of the peace process in Tajikistan.

Mr. Shen Guofang (China) (*interpretation from Chinese*): The delegation of China will vote in favour of the draft resolution before us. China supports the peace process in Tajikistan, advocates an active role for the United Nations in promoting peace and reconciliation in Tajikistan and is in favour of further extending the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT). As a close neighbour of Tajikistan, China has always been very concerned about the situation there. We appreciate the commitment of both sides in Tajikistan to the implementation of the General Agreement on the Establishment of Peace and National Accord. We hope that both sides will be able to maintain the spirit of reconciliation and will endeavour to take measures to enhance mutual confidence with a view to the early completion of the tasks under the General Agreement.

China welcomes the new timetable formulated by the Commission on National Reconciliation. We hope that the effective implementation of the timetable will help reinforce mutual trust and cooperation between the two sides.

China's assessment of the regional peacekeeping efforts of the countries of the Commonwealth of Independent States in Tajikistan is positive. We believe that the international community, including the United Nations, should support these efforts. At the same time, we call on the international community to respond positively to the Secretary-General's recommendations on increasing financial assistance to Tajikistan and supporting its economic rehabilitation. We believe that only rehabilitation and development will ensure durable peace and stability in Tajikistan.

In conclusion, I should like to take this opportunity to thank Mr. Gerd Merrem for his contribution to promoting the peace process in Tajikistan during his term as the Secretary-General's Special Representative for Tajikistan. At this crucial juncture for peace in Tajikistan, we look forward to the early appointment by the Secretary-General of a new Special Representative to ensure the continuation of efforts to bring about definitive peace and reconciliation in Tajikistan.

Mr. Touray (Gambia): I would like to thank the Secretary-General for his detailed report on the situation in Tajikistan. My delegation pays tribute to Mr. Merrem and to Brigadier-General Boleslaw Izydorczyk for the excellent work they did in that country. We also wish to congratulate Brigadier-General Tengku Ariffin Bin Tengku Mohammed on his new job.

My delegation is seriously concerned about the lack of substantial progress in the peace situation in Tajikistan, which is mainly due to the mistrust that exists between the two parties.

We strongly condemn the resumption of hostilities between the parties as evidenced by the recent clashes. While we welcome the new ceasefire arrangements and the exchange of prisoners, we believe that the parties should exercise restraint and do everything to ensure that the peace process is not jeopardized. The resumption of hostilities in March, April and May clearly shows that the peace situation in Tajikistan is not irreversible.

We are encouraged by the fact that both sides are interested in continuing the peace process. It is therefore imperative that the parties translate their interest into commitments and work together to find a lasting solution to this disquieting conflict. In this context, the parties should work together towards building mutual confidence, as distrust only undermines the already rocky status quo.

My delegation is very concerned about the lack of effective control by both sides over their forces. This state of affairs further deepens the fragility of the peace situation. Thus, the speedy demobilization and reorganization of the forces is a key step in the peace process.

We welcome the continued registration of United Tajik Opposition combatants. We are, however, disturbed by the huge discrepancy between the number of fighters registered and the number of weapons recovered. This clearly shows that a large number of registered fighters are still keeping their weapons. The recovery of these weapons is very important for the peace process.

The reluctance of the fighters to take advantage of the amnesty law — a consequence of the delays in the peace process — is not a desirable situation. We hope that the Commission on National Reconciliation will review its processes with a view to enhancing its working methods.

Some major concerns of my delegation are the delays in making the necessary constitutional and electoral reforms. We hope that the parties will give these key issues the priority they deserve. In that vein, we welcome the new timetable adopted by the Commission on National Reconciliation and hope that the parties will be committed to it.

We recognize that quite a lot of post-conflict activities are required to turn the situation in Tajikistan around. In this context, we welcome the demobilization projects adopted by the United Nations Mission of Observers in Tajikistan (UNMOT) and United Nations agencies. We wish to underscore that vocational training and start-up packages are essential for the reintegration of ex-combatants into civilian life. While we wish to thank the international non-governmental organizations and the United Nations agencies for their interventions in these projects, we hope that the international community will respond to the resource-mobilization efforts of the World Bank not only to support humanitarian activities, but also to set the road for economic recovery and rebuilding of infrastructure.

My delegation agrees with the assessment of the situation in Tajikistan, as amply described in the Secretary-General's report. We believe that things are far from bright, but at least there is more light at the end of the tunnel. The continued presence of UNMOT in Tajikistan for a little while longer is necessary for the

peace process. With this recognition, my delegation supports the Secretary-General's proposal to extend the mandate of UNMOT for a period of six months, until 15 November 1998, and thus we will vote in favour of the draft resolution before us.

Mr. Konishi (Japan): At the outset, my delegation wishes, on behalf of the Government of Japan, to express its appreciation to all the men and women working for the United Nations Mission of Observers in Tajikistan (UNMOT) for their efforts to promote the peace process in Tajikistan.

It is, however, regrettable that, despite the efforts made by UNMOT, the progress of the peace process has been very slow during the last three months and that the security situation on the ground remains precarious. My delegation is particularly concerned that the recent violations of the ceasefire have deteriorated mutual confidence between the Government of Tajikistan and the United Tajik Opposition (UTO). My delegation calls upon both parties to maintain their commitment to the peace process and to redouble their efforts to fully implement the General Agreement on the Establishment of Peace and National Accord in Tajikistan, particularly the Protocol on military issues.

In such circumstances, it is clear that the presence of the United Nations observers is still indispensable to making the ceasefire truly effective and to facilitating the implementation of the General Agreement. My delegation will therefore vote in favour of the draft resolution before us, which extends the mandate of UNMOT for another six months.

My delegation shares the view of the Secretary-General, contained in his latest report, that comprehensive international support, including financial assistance, is essential for the continuation of the peace process and for the reform and development of Tajik society. On the basis of this recognition, Japan has been making a substantial contribution to Tajikistan in the field of refugee and humanitarian aid. It also dispatched recently a political affairs officer to UNMOT.

I should like to close by expressing the readiness of the Government of Japan to continue to participate actively in the efforts of the Security Council and the international community as a whole to assist in the achievement of lasting peace in Tajikistan.

The President: I shall now make a statement in my capacity as representative of Kenya.

My delegation joins the consensus in extending the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) for another six months, until 15 November 1998. In so doing, we reconfirm our commitment to the peaceful settlement of the military and political crisis that Tajikistan still faces. After years of conflict and suffering, the parties to the crisis in Tajikistan signed the General Agreement on the Establishment of Peace and National Accord in Tajikistan, as well as the Protocol on military issues. We believe that this Agreement and the Protocol constitute a viable framework within which the people of Tajikistan can work to establish lasting peace, security and prosperity for all.

After so many years of strife, it is also obvious that a vigorous and sustained process of national reconciliation must be put in place and nourished. The Commission on National Reconciliation in Tajikistan has begun working on a critical healing process, which we think will, in the long term, bring the people of Tajikistan together and ensure a common national focus and a common attainment of national objectives. We therefore welcome the elements in this draft resolution that call upon the parties to undertake vigorous efforts to implement the General Agreement, the Protocol on military issues and, as a matter of priority, the timetable of measures adopted by the Commission on National Reconciliation on 29 April 1998. May I also take this opportunity to commend the delegation of the Russian Federation for its excellent work in coordinating the negotiations on this draft resolution.

As my delegation has consistently stated, there is a clear linkage between peace, security and development. We are therefore encouraged that quick action is to be taken, during a consultative group meeting to be held by the World Bank on 20 May 1998, to address some of the post-conflict economic issues that face Tajikistan. We also encourage Member States and others with means to respond promptly to the consolidated appeal for Tajikistan launched last March.

Although we are still quite concerned about the precarious security situation and continued violations of the ceasefire in some parts of Tajikistan, we welcome the efforts being made by the Government of Tajikistan and the United Tajik Opposition to address not only the day-to-day security problems, but also the long-term goal of

sustaining a viable peace process. In this connection, we warmly welcome the support that UNMOT continues to provide to this process, together with those of the Collective Peacekeeping Forces of the Commonwealth of Independent States, the Russian border forces, the Organization for Security and Cooperation in Europe and the Contact Group of countries which are involved in this process.

In conclusion, we warmly associate ourselves with the words of high commendation for Mr. Gerd Merrem, the Secretary-General's Special Representative, who will be retiring soon. We also congratulate all the personnel of UNMOT for their good work and Brigadier-General Izydorczyk, who has recently returned to his national service, for his efforts aimed at assisting the parties in the implementation of the General Agreement and the Protocol on military issues.

I now resume my functions as President of the Security Council.

I now put to the vote the draft resolution contained in document S/1998/390.

A vote was taken by show of hands.

In favour:

Bahrain, Brazil, China, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1167 (1998).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Richardson (United States of America): The United States was pleased last June when the Government of Tajikistan and the United Tajik Opposition (UTO) signed the Agreement to end their conflict, demobilize and share power while preparing for elections. We are growing concerned, however, that the peace process has lost its momentum. On the one hand, we see cooperation between the parties in the Commission on National Reconciliation, members of the UTO employed in responsible positions in the Government and a significant number of UTO soldiers registered and quartered in assembly areas. On the other hand, we are seeing Tajikistan go through round after

round of violence and disruption. On this basis, we find it difficult to see the completion of even the first phase of the peace process.

The United States voted today in favour of extending the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT), as a sign of continued faith in the peace process. We believe that people of good will are working to see it through to a successful conclusion. We must make it clear, however, that our willingness to support a broken process is not infinite. We and the international community want to give the parties the time they need to establish an enduring peace, but the parties must recognize that they alone hold the responsibility for moving the process forward. It is clearly within the capacity of both to comply with their obligations under the peace accords. The Government committed itself to sharing power in the interim period until elections, and it must do so. The Government must implement its obligation to appoint members of the United Tajik Opposition (UTO) to 30 per cent of Government positions. The Government must also act rapidly to implement the provisions of the amnesty law. These actions must be undertaken without being conditioned on actions by the United Tajik Opposition.

For their part, the UTO leaders committed themselves to demobilizing and disarming their forces. Nonetheless, in the past few months we have witnessed several instances of renewed combat that began when UTO forces attacked Government positions. Regardless of their disagreement with Government activities, UTO commanders cannot resort to violence in response. The UTO leaders must take responsibility for the actions of all UTO field commanders and order them to abide by the military protocol, including assembling, registering and disarming. If necessary, the UTO leaders should work with the Government to subdue and disarm insubordinate commanders. The peace process cannot survive outbreaks of violence such as those that we saw in March and April.

The parties agreed to a timetable in their peace process that, while ambitious, is still achievable. They must expeditiously implement the first phase of the military protocol. With the experience they already have in quartering and registering UTO units, they should be able to move quickly towards that goal. They should also be thinking ahead about how to move on towards legalizing political parties and preparing for elections.

In the meantime, the parties have a responsibility for ensuring the security of UNMOT, foreign diplomatic missions and international personnel. They should cooperate in this effort, specifically in making the joint protection unit into a showcase of national cooperation.

As a sign of the interest of the United States in the success of Tajikistan's peace process, we have pledged significant quantities of assistance, and we have abided by our pledges. We call on all Member States to step forward with donations to guarantee the process and relieve the continuing humanitarian crisis and the threat from landmines.

We congratulate the personnel of UNMOT for the excellent work they have done in seeing the country

through the recent crises. We add to that a note of special thanks to the Secretary-General's Special Representative, Gerd Merrem, for the years he devoted to bringing peace to Tajikistan and for his success in bringing the parties together to sign the peace accord. We wish him well in retirement, and we call upon the Secretary-General to secure the advances made by Mr. Merrem by appointing a replacement as quickly as possible.

The President: There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.10 p.m.



Security Council

Fifty-third Year

Provisional

3880th Meeting

Thursday, 14 May 1998, 12.15 p.m.

New York

<i>President:</i>	Mr. Mahugu	(Kenya)
<i>Members:</i>	Bahrain	Mr. Al-Dosari
	Brazil	Mr. Valle
	China	Mr. Shen Guofang
	Costa Rica	Mr. Sáenz-Biolley
	France	Mr. Dejammet
	Gabon	Mr. Dangué Réwaka
	Gambia	Mr. Touray
	Japan	Mr. Konishi
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Sergeev
	Slovenia	Mr. Türk
	Sweden	Mr. Dahlgren
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Richardson

Agenda

The situation between Iraq and Kuwait

Letter dated 9 April 1998 from the Secretary-General addressed to the President of the Security Council (S/1998/312)

Note by the Secretary-General (S/1998/332)



The meeting was called to order at 12.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Letter dated 9 April 1998 from the Secretary-General addressed to the President of the Security Council (S/1998/312)

Note by the Secretary-General (S/1998/332)

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them a letter dated 9 April 1998 from the Secretary-General addressed to the President of the Security Council, transmitting the fifth consolidated report of the Director General of the International Atomic Energy Agency, submitted under paragraph 16 of Security Council resolution 1051 (1996), document S/1998/312; and a note by the Secretary-General, transmitting the fifth consolidated report of the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), submitted under paragraph 16 of Security Council resolution 1051 (1996), document S/1998/332.

I should like to draw the attention of the members of the Council to the following other documents: S/1998/176 and S/1998/308, letters dated 19 February and 8 April 1998, respectively, from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council has reviewed the report of 16 April 1998 from the Executive Chairman of the United Nations Special Commission (S/1998/332) and the report of 9 April 1998 from the Director General of the International Atomic Energy Agency (IAEA) (S/1998/312). The Council welcomes the improved

access provided to the Special Commission and the IAEA by the Government of Iraq following the signature of the Memorandum of Understanding by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998 (S/1998/166) and the adoption of its resolution 1154 (1998) of 2 March 1998. The Council calls for continued implementation of the Memorandum of Understanding.

"The Security Council expresses the hope that the agreement by the Government of Iraq to fulfil its obligation to provide immediate, unconditional, and unrestricted access to the Special Commission and the IAEA will reflect a new Iraqi spirit with regard to providing accurate and detailed information in all areas of concern to the Special Commission and the IAEA as required by the relevant resolutions.

"The Security Council expresses its concern that the most recent reports of the Special Commission, including the reports of the technical evaluation meetings (S/1998/176 and S/1998/308), indicate that Iraq has not provided full disclosure in a number of critical areas, in spite of repeated requests from the Special Commission, and calls upon Iraq to do so. The Council encourages the Special Commission to continue its efforts to improve its effectiveness and efficiency and looks forward to a technical meeting of the members of the Council with the Executive Chairman of the Special Commission as a follow-up to the review of sanctions held by the Council on 27 April 1998.

"The Security Council notes that the Special Commission and the IAEA must discharge their mandates as defined under resolutions 687 (1991) of 3 April 1991 and 707 (1991) of 15 August 1991 with full Iraqi cooperation in all areas, including fulfilment by Iraq of its obligation to provide full, final and complete declarations of all aspects of its prohibited programmes for weapons of mass destruction and missiles.

"The Security Council notes that the investigations by the IAEA over the past several years have yielded a technically coherent picture of Iraq's clandestine nuclear programme, although Iraq has not supplied full responses to all of the questions and concerns of the IAEA, including those specified in paragraphs 24 and 27 of the report of the Director General of 9 April 1998.

"The Council affirms its intention, given the progress of the IAEA, and in line with paragraphs 12 and 13 of resolution 687 (1991), to agree in a resolution that the IAEA dedicate its resources to implement the ongoing monitoring and verification activities of the IAEA under resolution 715 (1991) of 11 October 1991, upon receipt of a report from the Director General of the IAEA stating that the necessary technical and substantive clarifications have been made, including provision by Iraq of the necessary responses to all IAEA questions and concerns, in order to permit full implementation of the ongoing monitoring and verification plan approved by resolution 715 (1991). In this regard, the Council requests the Director General of the IAEA to provide this information in his report due on 11 October 1998 and to submit a status report by the end of July 1998 for possible action at that time.

"The Security Council acknowledges that the IAEA is focusing most of its resources on the implementation and strengthening of its activities under the ongoing monitoring and verification plan.

The Council notes that, within the framework of its ongoing monitoring and verification responsibilities, the IAEA will continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular through the follow-up of any new information developed by the IAEA or provided by Member States, and to destroy, remove or render harmless any prohibited items discovered through such investigations falling under resolutions 687 (1991) and 707 (1991) in conformity with the IAEA's ongoing monitoring and verification plan approved by resolution 715 (1991)."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1998/11.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 12.25 p.m.



Security Council

Fifty-third Year

Provisional

3881

st Meeting

Thursday, 14 May 1998, 12.25 p.m.

New York

President:	Mr. Mahugu	(Kenya)
Members:	Bahrain	Mr. Al-Dosari
	Brazil	Mr. Valle
	China	Mr. Shen Guofang
	Costa Rica	Mr. Sáenz-Biolley
	France	Mr. Dejammet
	Gabon	Mr. Dangué Réwaka
	Gambia	Mr. Touray
	Japan	Mr. Konishi
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Sergeev
	Slovenia	Mr. Türk
	Sweden	Mr. Dahlgren
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Richardson

Agenda

The responsibility of the Security Council in the maintenance of international peace and security

98-85334 (E)



This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, within one week of the date of publication, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 12.25 p.m.

Adoption of the agenda

The agenda was adopted.

The responsibility of the Security Council in the maintenance of international peace and security

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council strongly deplores the three underground nuclear tests that India conducted on 11 May 1998, and the two further tests conducted on 13 May 1998 despite overwhelming international concern and protests. The Council strongly urges India to refrain from any further tests. It is of the view that such testing is contrary to the de facto moratorium on the testing of nuclear weapons or other nuclear explosive devices, and to global efforts towards nuclear non-proliferation and nuclear disarmament. The Council also expresses its concern at the effects of this development on peace and stability in the region.

"The Security Council affirms the crucial importance of the Treaty on the Non-Proliferation of

Nuclear Weapons (NPT) and the Comprehensive Test Ban Treaty (CTBT). The Council appeals to India, and all other States which have not yet done so, to become parties to the NPT, and to the CTBT without delay and without conditions. The Council also encourages India to participate, in a positive spirit, in the proposed negotiations with other States for a fissile material cut-off treaty in Geneva with a view to reaching early agreement.

"With a view to preventing an escalation in the arms race, in particular with regard to nuclear weapons and their delivery systems, and to preserving peace in the region, the Security Council urges States to exercise maximum restraint. The Council underlines that the sources of tension in South Asia should only be resolved through dialogue and not by military build-up.

"The Security Council reiterates the statement by its President on 31 January 1992 (S/23500) which stated, *inter alia*, that the proliferation of all weapons of mass destruction constitutes a threat to international peace and security."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1998/12.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.30 p.m.



Security Council

Fifty-third Year

*Provisional***3882**nd Meeting

Wednesday, 20 May 1998, 1.15 p.m.

New York

<i>President:</i>	Mr. Mahugu	(Kenya)
<i>Members:</i>	Bahrain	Mr. Al-Dosari
	Brazil	Mr. Felicio
	China	Mr. Li Junhua
	Costa Rica	Mr. Sáenz-Biolley
	France	Mr. Dejammet
	Gabon	Mr. Dangué Réwaka
	Gambia	Mr. Touray
	Japan	Mr. Takasu
	Portugal	Ms. Paiva
	Russian Federation	Mr. Sergeev
	Slovenia	Mr. Žbogar
	Sweden	Mr. Liden
	United Kingdom of Great Britain and Northern Ireland	Mr. Richmond
	United States of America	Mr. Stoffer

Agenda

The situation in Sierra Leone

98-85346 (E)



This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 1.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Sierra Leone

The President: I should like to inform the Council that I have received a letter from the representative of Sierra Leone, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Dabor (Sierra Leone) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council condemns as gross violations of international humanitarian law the recent atrocities carried out against the civilian population, particularly women and children, of Sierra Leone by members of the Revolutionary United Front and the deposed military junta, including widespread rape, mutilation and slaughter. It calls for an immediate end to all violence against civilians. The Council, in this regard, expresses grave concern about reports of military support being provided to the rebels. It calls on all States to observe strictly the provisions of resolution 1132 (1997) and to avoid any action that might further destabilize the situation in Sierra Leone.

"The Security Council deplores the continued resistance to the authority of the legitimate Government of Sierra Leone and calls on all rebels to cease their resistance, lay down their arms, and surrender to forces of the Military Observer Group

(ECOMOG) of the Economic Community of West African States (ECOWAS) immediately. It again commends ECOWAS and ECOMOG for the important role they are playing to restore peace and security in Sierra Leone. The Council reiterates its call for States to provide technical and logistical support to assist ECOMOG to continue to enhance its ability to carry out its peacekeeping role and contribute to bringing an end to the atrocities being committed against the people of Sierra Leone.

"The Security Council expresses deep concern for the plight of all those affected by the continuing insecurity, including the tens of thousands of refugees and displaced persons. It urges all those concerned to continue humanitarian assistance and underscores the importance of a comprehensive response by United Nations agencies in coordination with the Government of Sierra Leone and with the support of ECOMOG. The Council also recognizes the important role played by the international community, including the Organization of African Unity and relevant non-governmental organizations, to provide humanitarian assistance to civilians in dire need in Sierra Leone. The Council commends the Governments of neighbouring countries for their reception of refugees and calls upon all States and relevant international organizations to help them in responding to the refugee crisis.

"The Security Council expresses concern for the safety of all humanitarian personnel working in Sierra Leone. It calls on all parties concerned to facilitate the work of humanitarian agencies. The Council urges the parties to protect displaced persons seeking refuge, as well as United Nations and humanitarian aid workers.

"The Security Council welcomes the efforts made by the democratically elected Government since its return on 10 March 1998 to restore peace and stability and to re-establish effective administration and the democratic process in Sierra Leone. It encourages ECOWAS to renew its political efforts to foster peace and stability and urges all parties in the country to embark on the tasks of national reconstruction, rehabilitation and reconciliation. The Council urges all parties concerned to respect fully international law, including human rights and humanitarian law.

"The Security Council urges States and other parties concerned to contribute to the trust fund to support peacekeeping and related activities in Sierra Leone, and to humanitarian assistance efforts.

"The Security Council requests the Secretary-General to keep it advised on the situation in Sierra Leone.

"The Security Council will remain seized of this matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1998/13.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.20 p.m.